

ORDINANCE NO. 23-16

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 3 OF THE CITY'S CODE OF ORDINANCES, ENTITLED, "ALCOHOLIC BEVERAGES;" BY SPECIFICALLY AMENDING SECTION 3-2, ENTITLED "HOURS OF SALE;" TO SPECIFICALLY PROHIBIT ALCOHOL SALES BY PACKAGE AND CONVENIENCE STORES BETWEEN 2:00 AM AND 7:00 AM; AND TO PROVIDE FOR SIGNAGE NOTIFYING PATRONS OF PROHIBITED HOURS OF ALCOHOL SALES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cooper City seeks to amend the hours of sale of alcohol for package and convenience stores; and

WHEREAS, the code currently provides that package and convenience stores may sell alcohol until 6:00 a.m. on most days and until 4:00 a.m. on Sundays; and

WHEREAS, surrounding municipalities limit the sale of alcohol for offsite consumption to generally 2:00 a.m. or 3:00 a.m.; and

WHEREAS, the Broward Sheriff's Office is recommending amending the hours of sale of alcohol for package and convenience stores within the City of Cooper City to increase the safety and quality of life residents while reducing alcohol related incidents resulting from the late night availability of alcohol for purchase; and

WHEREAS, the Broward Sheriff's Office and City staff recommend that amending the City code to prohibit alcohol sales by package and convenience stores between 2:00 a.m. and 7:00

a.m. and requiring signage notifying patrons of these limitations, will reduce alcohol related incidents within the City; and

WHEREAS, in accordance with state law, the City has conducted a public hearing and considered public input; and

WHEREAS, the City Commission finds that amending the City’s Code of Ordinances, to prohibit alcohol sales by package and convenience stores between 2:00 a.m. and 7:00 a.m. and requiring signage notifying patrons of these limitations, is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amended. That Chapter 3, entitled “Alcoholic Beverages,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Section 3-2, entitled “Hours of sale” as follows:

Sec. 3-2. - Hours of sale.

(a)*For consumption on the premises.* No vendor licensed by the state, or any employee thereof, shall sell or offer for sale or delivery, or serve or permit to be consumed upon premises of such vendor any alcoholic beverages, regardless of alcoholic content, on Monday through Friday between the hours of 2:00 a.m. and 9:00 a.m., between the hours of 4:00 a.m. and 9:00 a.m. on Saturdays, and on Sunday between the hours of 4:00 a.m. and 11:00 a.m.

(b)*Country clubs:* for consumption, on the premises. No vendor licensed by the state, or any employee thereof, shall sell or offer for sale or delivery, or serve or permit to be consumed upon premises of such vendor any alcoholic beverages, regardless of alcoholic content, on any day of the week before 7:00 a.m. As to other hours, the country club shall be governed by the general provisions of section 3-2(a). For the period between 7:00 a.m. to 9:00 a.m. on weekdays and Saturday and for the period between 7:00 a.m. to 11:00 a.m. on Sundays, sales may be made only to those persons utilizing the facilities of the country club.

(c) *Special exemption by commission approval.* The closing hours provided in subsections (a) and (b) above may, by commission approval, be extended for a period of up to two hours on the morning of January 1 of each calendar year. Applications, in order to be considered for commission approval, must be submitted to the City Clerk no later than the second regular commission meeting in November of the prior calendar year.

(d) *Package and convenience stores.*

(1) No vendor licensed by the state, or any employee thereof, shall sell or offer for sale or delivery, any alcoholic beverages, regardless of alcoholic content, by the package, bottle, or container, between the hours of ~~6:00 a.m.~~ 2:00 a.m. and 7:00 a.m., ~~excluding Sundays.~~

(2) A sign shall be displayed at all cashier locations and at alcohol display areas that shall read as follows: "No Alcoholic Beverage shall be sold between the hours of 2:00 a.m. and 7:00 a.m., pursuant to Section 3-2 of the City Code." At the cashier locations the lettering on the sign shall be one inch in height and at the display areas the lettering on the sign shall be one-half inch in height.

~~(2) No vendor licensed by the state, or any employee thereof, shall sell or offer for sale or delivery, any alcoholic beverages, regardless of alcoholic content, by the package, bottle, or container, between the hours of 4:00 a.m. and 7:00 a.m. on Sundays.~~

SECTION 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 5. Codification. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 6. Effective Date. This Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2023.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2023.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN, CMC

Approved As To Legal Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Mallozzi _____
Commissioner Katzman _____
Commissioner Shrouder _____

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