

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
AMENDING APPENDIX-A ZONING; ARTICLE III
GENERAL PROVISIONS, SECTION 3.22. ALCOHOLIC
BEVERAGES; PROVIDING FOR HOURS OF OPERATION
FOR ESTABLISHMENTS LICENSED TO SERVE OR SELL
ALCOHOL; PROVIDING FOR EXCEPTIONS; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CODIFICATION;
PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE,
FLORIDA:

SECTION 1: The Code of Ordinances of the City of Margate, Florida,
Appendix-A Zoning, Article III GENERAL PROVISIONS, Section 3.22
Alcoholic beverages, is hereby amended to read as follows¹:

Section 3.22. - Alcoholic beverages.

. . .

(XI) ~~Hours of operation, sale and consumption on the premises.~~

- (A) Generally. No vendor of alcoholic beverages shall sell or offer for sale or deliver or serve or permit to be consumed upon the premises of such vendor any alcoholic beverage of any kind regardless of alcoholic content during the hours specified herein. ~~The hours of sale of alcoholic beverages at any establishment, except for 1APS, 2APS, and 3APS classifications within the City shall be 8:00 a.m. to 12:00 midnight Monday through Saturday. Hours of sale for 1APS, 2APS, and 3APS classification within the City shall be 7:00 a.m. to 12:00 midnight Sunday through Saturday. Sunday hours for 2COP and 4COP classifications shall be 12:00 noon to 12:00 midnight. Sunday hours for 4COP SRX and 11C classifications shall be 10:00 a.m. to 12:00 midnight. Hours for establishments with special permit for extended hours shall be as provided in subsection (B) below. Hours for establishments with Sunday morning hours permit shall be as provided in subsection (C) below.~~

¹CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscored text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1
2 (1) Sales or services for on-premises consumption: The
3 sale or serving of alcoholic beverages for
4 consumption on the premises shall be unlawful
5 between the hours of 2:00 a.m. and 8:00 a.m. Monday
6 through Saturday, and between the hours of 2:00 a.m.
7 and 11:00 a.m. on Sundays.

8
9 (a) As an exception to the above limitation of
10 hours, the sale or serving of alcoholic
11 beverages for consumption on the premises shall
12 be permitted between 2 a.m. and 4 a.m. on the
13 following specified dates of any given year:

14
15 (i) January 1

16
17 (ii) March 18

18
19 (iii) May 6

20
21 (iv) July 5

22
23 (v) December 25

24
25 (vi) December 26

26
27 (b) No person, vendor or distributor of any place
28 of business licensed under the provisions of
29 this section or by the State of Florida, or any
30 employee thereof, shall permit any person who
31 is not a proprietor, licensed vendor or
32 employee thereof to remain on the licensed
33 premises beyond the legally authorized closing
34 hour; provided however, if said premises are
35 divided so that the portion of said premises
36 where alcoholic beverages are kept, stored or
37 dispensed is segregated by partition and locked
38 doors after the legal hour, then such
39 prohibition shall not apply.

40
41 (2) Sales for off-premises consumption: The sale of
42 alcoholic beverages for consumption off the
43 premises, including delivery service, shall be
44 unlawful between the hours of 12:00 midnight and
45 7:00 a.m., seven days a week.

46
47 ~~(B) Special permits for extended hours. The privilege to sell,~~
48 ~~serve or permit the consumption of alcoholic beverages at~~

1 ~~any commercial establishment between the hours of 12:00~~
2 ~~midnight and 8:00 a.m. the following day is hereby~~
3 ~~declared to be a privilege subject to termination by the~~
4 ~~City Commission, and no person may reasonably rely on the~~
5 ~~continuance of said privilege. Any establishment which has~~
6 ~~not been granted or been approved for renewal of an~~
7 ~~extended hours permit by the City Commission may not~~
8 ~~operate beyond the hours provided in subsection (A) above.~~
9 ~~Any person or business entity which sells or serves~~
10 ~~alcoholic beverages for consumption on the premises may~~
11 ~~apply for a special permit for extended hours.~~

12
13 ~~Presumption. The presence of any alcoholic beverage not~~
14 ~~within an unopened container, along with individuals who~~
15 ~~are not employees, within an establishment serving~~
16 ~~alcoholic beverages after closing hour shall be presumed~~
17 ~~the unlawful sale or service of alcoholic beverages after~~
18 ~~permitted hours.~~

19 ~~(1) Vendors. A special permit granted to a vendor of~~
20 ~~alcoholic beverages shall permit said vendor to~~
21 ~~sell, serve and allow consumption of alcoholic~~
22 ~~beverages on the premises.~~

23 ~~The hours of sale of alcoholic beverages consumed or~~
24 ~~served on the premises where a state liquor license~~
25 ~~for consumption on the premises has been approved, if~~
26 ~~a special permit pursuant to this section has been~~
27 ~~approved, are as follows:~~

28 ~~Special permit for extended hours:~~

29 ~~(a) From 8:00 a.m. until 2:00 a.m. of the following~~
30 ~~day, Monday through Thursday;~~

31
32 ~~(b) From 8:00 a.m. Friday until 4:00 a.m. the~~
33 ~~following Saturday;~~

34
35 ~~(c) From 8:00 a.m. Saturday until 4:00 a.m. the~~
36 ~~following Sunday;~~

37
38 ~~(d) From 12:00 noon Sunday until 2:00 a.m. the~~
39 ~~following Monday;~~

40
41 ~~(e) On New Year's Eve, the hours of sale shall be~~
42 ~~from 8:00 a.m. until 4:00 a.m. on New Year's~~
43 ~~Day;~~

44
45 ~~(f) On March 17 (St. Patrick's Day), the hours of~~
46 ~~sale shall be from 8:00 a.m. until 4:00 a.m. on~~
47 ~~March 18; and~~

1
2 ~~Extended hours shall not be permitted for sale at~~
3 ~~retail as package goods or for any other reason than~~
4 ~~consumption on the premises.~~

5 ~~(C) Sunday morning hours permit. Establishments with a 2COP or~~
6 ~~4COP alcohol allocation that wish to serve alcohol before~~
7 ~~noon on Sunday may apply to the City Commission for a~~
8 ~~Sunday morning hours permit.~~

9 ~~Sunday morning hours permit:~~

10 ~~(a) Starting at 10:00 a.m. on Sunday, as an~~
11 ~~accompaniment to a full-course meal. If it is~~
12 ~~determined that alcohol is being served without~~
13 ~~food, then the Sunday morning hours permit shall be~~
14 ~~subject to revocation.~~

15
16 ~~(D) Approval process and criteria for special permit for~~
17 ~~extended hours permit and Sunday morning hours permit. The~~
18 ~~following criteria for granting, applying and renewing a~~
19 ~~special permit for extended hours and/or a Sunday morning~~
20 ~~hours permit:~~

21
22 ~~(1) Criteria for granting. Each special permit for~~
23 ~~extended hours and each Sunday morning hours permit~~
24 ~~shall expire on September 30 of each year or upon~~
25 ~~the change in ownership or location of any permitted~~
26 ~~establishment. The City Clerk shall place all~~
27 ~~applications for such permits on the agenda for the~~
28 ~~first regular City Commission meeting to be held in~~
29 ~~September, or as soon thereafter as may be heard,~~
30 ~~and shall notify all qualified applicants of the~~
31 ~~place which their applications will be heard.~~
32 ~~All applications for transfer of ownership or~~
33 ~~location shall be deemed initial applications.~~
34 ~~However, applications for transfer of ownership or~~
35 ~~locations shall be automatically approved for a~~
36 ~~temporary period of thirty-five (35) days from the~~
37 ~~date of either the initial opening of an~~
38 ~~establishment serving alcoholic beverages or date~~
39 ~~transfer of ownership or location occurs.~~

40 ~~At the end of the thirty-five (35) days proceeding,~~
41 ~~establishments shall be prohibited from serving~~
42 ~~alcoholic beverages except by permission of the City~~
43 ~~Commission pursuant to subsections (XI) (B) and (C).~~

44 ~~The City Commission may grant or deny such special~~
45 ~~permits for extended hours or Sunday morning hours~~
46 ~~permit.~~

1 ~~The criteria which the City Commission shall consider~~
2 ~~in making a decision whether to grant or deny a~~
3 ~~special permit for extended hours to an applicant~~
4 ~~shall be as follows:~~

5 ~~(a) The amount of parking demands created by the~~
6 ~~establishment being considered, especially with~~
7 ~~regard to the adverse impact on adjacent~~
8 ~~residential areas or any illegal or hazardous~~
9 ~~parking, and whether the establishment being~~
10 ~~considered meets the criteria for current~~
11 ~~parking.~~

12
13 ~~(b) The amount and degree of law and code~~
14 ~~enforcement activities being generated by the~~
15 ~~establishment being considered, both inside and~~
16 ~~outside the location, with emphasis on~~
17 ~~vandalism, noise, vehicular use by patrons and~~
18 ~~illegal activity of any kind by employees~~
19 ~~(including municipal violations), patrons and~~
20 ~~others associated with the establishment during~~
21 ~~and immediately after the hours of operation.~~

22
23 ~~(c) The adverse effect, if any, that the~~
24 ~~establishment will have on the neighboring~~
25 ~~properties, especially with respect to the~~
26 ~~effects of noise, parking, glare from~~
27 ~~headlights or exterior lighting on neighborhood~~
28 ~~residential properties.~~

29
30 ~~(d) That an establishment be wholly enclosed,~~
31 ~~soundproofed and air conditioned, and any~~
32 ~~windows, doors or other openings kept closed~~
33 ~~except for normal and emergency ingress and~~
34 ~~egress, in order that noise and music emanating~~
35 ~~therefrom will not disturb the peace and quiet~~
36 ~~of the neighborhood.~~

37
38 ~~(e) Those criteria specified in the City Code.~~

39
40 ~~(f) Conformance with property maintenance standards~~
41 ~~and municipal codes directly related to the~~
42 ~~establishment requesting extended hours.~~

43
44 ~~The criteria which the City Commission shall consider~~
45 ~~in making a decision whether to grant or deny a~~
46 ~~Sunday morning hours permit to an applicant shall be~~
47 ~~as follows:~~

~~(a) That any alcohol served on Sunday between 10:00 a.m. and 12:00 noon shall only be served as an accompaniment to a full course meal.~~

~~(b) The amount and degree of law and code enforcement activities being generated by the establishment being considered, both inside and outside the location, with emphasis on vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees (including municipal violations), patrons and others associated with the establishment during and immediately after the hours of operation.~~

~~(2) Applications. Any person, vendor or place of business which has been regularly licensed by the State of Florida to sell and dispense alcoholic beverages may apply for a special permit for extended hours. Any person, vendor or place of business which offers food service and has been regularly licensed by the State of Florida to sell and dispense alcoholic beverages with a 2COP or 4COP allocation may apply for a Sunday morning hours permit. Any person, vendor or place of business desiring a special permit for extended hours or a Sunday morning hours permit shall file with the City Clerk a typewritten or printed application on forms provided by the City. Such application, among other things, shall state the location where such business is to be conducted; the name of the applicant together with the names of the individuals operating a business under their own or under a trade name; the names of the officers or members of the firms engaged in any such business; the names of all individuals or business entities owning five (5) percent or more of the assets of a business (excluding publicly owned corporations); the type of business license issued by the State of Florida and the number thereof. The applicant shall also furnish such other information as may be deemed reasonable by the City and shall pay the necessary license fee together with one hundred fifty dollars (\$150.00) application fee. No application may be deemed completed until the requirements of this paragraph are met.~~

~~The City Commission may require, as a condition of the privilege of extending hours of operation, compliance with any reasonable conditions deemed by the commission to be necessary to mitigate or eliminate the adverse effects of such extended hours. These conditions may include, without being limited~~

1 to, provision by the owner or operator of the
2 premises to provide at his expense additional off-
3 street parking, security personnel, off-duty police
4 personnel, screening and buffering from nearby
5 properties. The City Commission may also require a
6 cash bond in an amount they deem appropriate, but not
7 in excess of two thousand five hundred dollars
8 (\$2,500.00) to ensure that the conditions which have
9 been required are faithfully performed. No bond as
10 provided herein will be forfeited unless a hearing
11 before the City Commission is held and it is
12 determined that the conditions which have been
13 required have not been performed.

14 The granting of a special permit to a particular
15 licensee has been and continues to be a privilege
16 subject to modification or termination by the City
17 Commission each year at renewal time, and no person
18 may reasonably rely on a continuation of that
19 privilege.

20 The licensee shall be deemed the owner of an
21 establishment for which application has been made and
22 any transfer of ownership or location shall
23 necessitate a new application to be made pursuant to
24 this section. Should an establishment owned by an
25 entity transfer five (5) per cent or more of its
26 assets, said transfer shall be deemed to be a
27 transfer of ownership, pursuant to this section.

28
29 ~~(3) Renewals.~~ The renewal of any special permit shall be
30 determined by the City Commission in the manner
31 specified in subsection (2) above. Applications
32 shall be received by July 15 of each year. Completed
33 applications for renewal which are not received by
34 the City Commission by July 15 of each year shall
35 pay a fee of three hundred dollars (\$300.00).
36 If prior to renewal time the city administration
37 determines that any licensee has either violated a
38 condition of renewal or is operating in a manner
39 harmful to the public health, safety or welfare based
40 upon the criteria specified in subsection (2) above,
41 it may place on the City Commission agenda the matter
42 of revoking the special permit issued. Such agenda
43 items shall be publicly advertised in a newspaper of
44 local circulation, and written notice of the charges
45 against the licensee shall be sent to him at least
46 fourteen (14) days in advance and shall also contain
47 the day, time and place of such agenda item.

48 After consideration of the matter and allowing the
49 licensee to be heard, the City Commission may revoke,

1 ~~modify or condition the special permit. The criteria~~
2 ~~to be used by the administration and City Commission~~
3 ~~in such matters shall be the criteria specified in~~
4 ~~subsection (2) above. Should the license or privilege~~
5 ~~be revoked, conditioned or modified, the licensee may~~
6 ~~seek review of such action, after three (3) months,~~
7 ~~before the City Commission. The commission may then~~
8 ~~modify or refuse to modify its action. Only one (1)~~
9 ~~such review shall be given within a twelve-month~~
10 ~~period.~~

11 ~~No person, vendor or distributor of any place of~~
12 ~~business licensed under the provisions of this~~
13 ~~section or by the State of Florida, or any employee~~
14 ~~thereof, shall permit any person who is not a~~
15 ~~proprietor, licensed vendor or employee thereof to~~
16 ~~remain on the licensed premises beyond the legally~~
17 ~~authorized closing hour; provided however, if said~~
18 ~~premises are divided so that the portion of said~~
19 ~~premises where alcoholic beverages are kept, stored~~
20 ~~or dispensed is segregated by partition and locked~~
21 ~~doors after the legal hour, then such prohibition~~
22 ~~shall not apply.~~

23
24 . . .
25 **[Note to Municipal Code: The rest of this section shall**
26 **remain as codified.]**

27 **SECTION 2:** All ordinances or parts of ordinances in conflict
28 herewith are and the same is hereby repealed to the extent of such
29 conflict.
30

31 **SECTION 3:** If any section, sentence, clause, or phrase
32 of this ordinance is held to be invalid or unconstitutional by a
33 court of competent jurisdiction, then said holding shall in no way
34 affect the validity of the remaining portions of this ordinance.
35

36 **SECTION 4:** It is the intention of the City Commission
37 that the provisions of this ordinance shall become and be made a part
38 of the City of Margate Code, and that the sections of this ordinance
39 may be renumbered or relettered and the word "ordinance" may be
40 changed to "section," "article," or such other appropriate word or
41 phrase in order to accomplish such intentions.
42

43 **SECTION 5:** This ordinance shall become effective
44 October 1, 2020.
45

46
47 PASSED ON FIRST READING THIS 22ND DAY OF JANUARY, 2020.

48 PASSED ON SECOND READING THIS 29TH DAY OF JANUARY, 2020.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Caggiano	<u>YES</u>	Caggiano	<u> </u>
Simone	<u>NO</u>	Simone	<u> </u>
Arserio	<u>YES</u>	Arserio	<u> </u>
Schwartz	<u>ABSENT</u>	Schwartz	<u> </u>
Ruzzano	<u>YES</u>	Ruzzano	<u> </u>