

ORDINANCE NO. 2016-26

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 8 OF THE CITY OF GREENACRES CODE ENTITLED "LICENSES AND BUSINESS REGULATIONS", ARTICLE II ("ALCOHOLIC BEVERAGES") TO ADD SECTION 8-29 ("PUBLIC POSSESSION OR CONSUMPTION"); INCORPORATING BY REFERENCE THE PALM BEACH COUNTY ORDINANCE ON PUBLIC POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 27, 2015, the City executed a contract with the Palm Beach County Sheriff's Office for law enforcement services within the City of Greenacres; and

WHEREAS, effective February 1, 2016, the Palm Beach County Sheriff's Office took over law enforcement services within the City of Greenacres; and

WHEREAS, on or about March 25, 1986, the Palm Beach Board of County Board of Commissioners enacted Ordinance No. 86-9, which regulated the public possession or consumption of alcoholic beverages in Palm Beach County and was codified as Section 3-3 of the County Code of Ordinances (attached hereto as Exhibit A); and

WHEREAS, this County Ordinance pertains to a subject that the City of Greenacres is authorized by law to regulate pursuant to Article VI, Section 1 of the Charter of the City of Greenacres, and the City Council has the option of adopting the County's Ordinance to allow for its enforcement within the municipal limits of the City to the same extent that it is enforceable throughout the unincorporated areas of the County; and

WHEREAS, in order to provide uniformity in enforcement of open container laws by the Deputy Sheriffs whom patrol the City, the City has chosen to adopt the County's public possession or consumption Ordinance within the municipal limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA AS FOLLOWS:

Section 1. Chapter 8, Article II is hereby amended as follows:

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Sec. 8-29 – Public Possession or Consumption.

Palm Beach County Ordinance 86-9, codified as Section 3-3 of the County Code of Ordinances, is effective and enforceable within the municipal limits of the City of Greenacres."

Secs. 8-29 ~~30~~ – 8-45. - Reserved.

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Section 2. Future Amendments.

Any amendments to Palm Beach County Ordinance 86-9 that may be made from time to time by the Board of County Commissioners shall not become effective within the municipal limits of the City of Greenacres unless and until the City Council adopts a subsequent ordinance finding that said amendments pertain to a subject upon which the City is authorized by law to regulate, is consistent with the good order desired for the City, and declaring that said amendments shall become effective and be enforceable within the municipal limits of the City of Greenacres.

Section 2. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or

void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. **Inclusion in Code.**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance, as reflected in Section 1 above, shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the actual verbiage of the County Ordinance 86-9 shall not be codified in the City Code verbatim; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 5. **Effective Date.**

The provisions of this Ordinance shall become effective upon its adoption.

Passed on the first reading this 20th day of June, 2016.

PASSED AND ADOPTED on this second reading this 18th day July, 2016.

Voted

Samuel J. Ferreri
Mayor

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Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

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Lisa Rivera
Councilwoman, District I

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Peter Noble
Councilman, District II

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Judith Dugo
Councilwoman, District III

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Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney