

ORDINANCE NO. 2016-2065

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING CHAPTER 3, ALCOHOLIC BEVERAGES, SECTION 3-5(b) POSSESSION, CONSUMPTION AND SALE OF ALCHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the New Port Richey Code of Ordinances has been amended from time to time, as necessary, to serve the needs of the citizens of New Port Richey, Florida; and

WHEREAS, it is in the interest of public safety and welfare that New Port Richey, amend Section Chapter 3, Alcoholic Beverages, Section 3-5(b) to provide for uniform enforcement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, that:

SECTION 1. Amending Chapter 3, Alcoholic Beverages, Section 3-5(b), Possession, consumption and sale of alcoholic beverages, of the Code of the City of New Port Richey, Florida be, and the same is hereby, amended to read as follows:

Sec. 3-5(b). Prohibition of consumption.

(b) Prohibition of consumption. Unless specifically enumerated in subsection (c), it shall be unlawful for any person to consume or possess an open container of alcoholic beverages on any property owned by the city, public parks, public sidewalks and rights-of-ways, street, alley, public or semi-public parking lots or semi-public spaces, including areas used by the public in conjunction with any business, enterprise, commercial establishment, office building, or apartment building, within the City.

(1) As used in subsection (b), “open container” means any vessel or container containing an alcoholic beverage, including, but not limited to beer or wine, which is immediately capable of consumption or the seal of which has been broken.

(2) An open container shall be considered to be in the possession of the person if the container is in the physical control or such person.

SECTION 2. CONFLICTS.

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION 3. SEVERABILITY.

The provisions of this ordinance are severable, and it is the intention of the City Council of the City of New Port Richey, Florida to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 4. INCLUSION IN CODE.

It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of New Port Richey Code; and that the sections of this ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. This Ordinance shall become effective immediately upon its adoption by the City Council of the City of New Port Richey, Florida.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 6th day of October, 2015 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 20th day of October, 2015.

ATTEST:

By:

Doreen M. Summers CAP-OM, CMC
City Clerk

By:

Robert Marlowe
Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND RELIANCE OF THE
CITY OF NEW PORT RICHEY, FLORIDA:

City Attorney, Joseph A. Poblick