

**ORDINANCE NO. 2021-2219**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF CHAPTER 3, SECTION 3-2, OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO ALLOWED ALCOHOLIC BEVERAGE SALES HOURS; PROVIDING FOR ALLOWANCE OF ALCOHOLIC BEVERAGE SALES BETWEEN THE HOURS OF 8:00 A.M. AND 2:00 A.M. THE FOLLOWING DAY, EVERY DAY OF THE WEEK, INCLUDING SUNDAYS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, Pasco County has recently amended its alcoholic beverage sales hours regulations;

WHEREAS, consistency in allowed alcoholic beverage sales hours between the county and the City is in the best interest of the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, the City Council has determined that there no longer exists a compelling need to differentiate the allowed alcoholic beverage sales hours based upon the day of the week; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:**

**SECTION 1. Chapter 3, Section 3-2, of the Code of Ordinances, pertaining to hours of sale for alcoholic beverages and providing as follows, is hereby amended as follows (strikeout text is deleted and underlined text is added):**

Sec. 3-2. - Hours of sale.

- (a) It shall be unlawful for any person to sell, offer for sale, serve, give or permit to be served any beverage containing alcohol of more than one (1) percent by weight in the city in any place licensed by the state, county and city for such sale, between the ~~following~~ hours of 2:00 a.m. and 8:00 a.m. any listed on the days indicated:

- (1) ~~Weekdays between 2:00 a.m. and 8:00 a.m.~~
  - (2) ~~Sundays between 2:00 a.m. and 11:00 a.m.~~
  - (3) ~~Christmas day between 2:00 a.m. and 11:00 a.m.~~
  - (4) ~~Municipal, county, state and federal election days in accordance with the applicable provisions of the state election code.~~
- (b) Nothing contained in this section shall be construed to prevent a vendor of any establishment dealing in alcoholic beverages from entering, being or remaining in such establishment during prohibited hours when the vendor is actually engaged in duties other than the sale or serving of alcoholic beverages in such establishment, nor shall this section be construed to prevent a firefighter or law enforcement officer from entering, being or remaining in such establishment in the performance of his duties. The closing hours established in this section relate only to the sale of alcoholic beverages. This section shall not be construed to impose a requirement other than that the business establishment may not sell and dispense alcoholic beverages during the hours provided in subsection (a) above.
- (c) ~~Establishments licensed under F.S. sections 563.02(1)(a) and 565.02(1)(a) are specifically included in the provisions of this section with the exception that such establishments shall not dispense:~~
- (1) ~~Beer or wine between the hours of 2:00 a.m. and 8:00 a.m. each weekday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sundays; or~~
  - (2) ~~Liquor between the hours of 2:00 a.m. and 8:00 a.m. each weekday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sundays.~~

**SECTION 2. Enforcement.** The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

**SECTION 3. Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

**SECTION 4. Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 5. Effective Date.** This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 19<sup>th</sup> day of January, 2021, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 2<sup>nd</sup> day of February, 2021.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, 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:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney  
CA Approved 1-5-21