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ORDINANCE NO. 2013-04

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO ALCOHOLIC BEVERAGES; REVISING SECTION 4-97 OF CHAPTER 4 OF THE TOWN OF WINDERMERE'S CODE OF ORDINANCES TO ALLOW THE TOWN COUNCIL TO GRANT SPECIAL EVENT PERMITS FOR THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

**Section 1. Amendment to Section 4-97 of Chapter 4 of the Code of Ordinances.** Section 4-97 of Chapter 4 of the Town of Windermere's Code of Ordinances is hereby revised as indicated by the following underlined and strike-through language:

**Sec. 4-97. Possession and Consumption of alcoholic beverages on public property.**

(a) Except as otherwise provided in subsections (b) and (c), it shall be unlawful for any person to possess or consume alcoholic beverages on public property within the corporate limits of the town, ~~except the town hall complex when rented for civic club affairs, wedding receptions, Christmas parties, etc.~~ "Public property" is defined as all property owned or controlled by the town, including streets and roads. "Public property" shall also include private property which is provided for and open to public use, including but not limited to parking lots for invitees on business premises.

(b) The town council may, for special events, grant a special-event permit to allow the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages on public property, subject to the following conditions:

- 1) Public consumption of alcoholic beverages on public property shall end no later than ten (10) p.m. or at such earlier time as may be specified by the special-event permit.
- 2) At a special event, no person may bring, possess, or consume his or her own alcoholic beverage or an alcoholic beverage brought by another if the special-event permit allows alcoholic beverages to be sold at the event.
- 3) If required by the town manager, prior to the special event the applicant for a special-event permit shall sign a written agreement under which the applicant must comply with reasonable conditions

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deemed necessary by the town manager to protect the interests of the town and its residents.

(c) The town manager may issue special-event permits for special events to be held in and around the town hall complex without town council approval, and alcoholic beverages may be consumed and possessed at such events subject to reasonable restrictions which may be imposed by the town manager in the permit.

**Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

**Section 3. Codification.** The amendments in Section 1 of this Ordinance shall be codified and made part of the official Code of Ordinances of the Town of Windermere.

**Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.

ENACTED this 11<sup>th</sup> day of June, 2013, at a regular meeting of the Town Council of the Town of Windermere, Florida.

Town of Windermere, Florida

by: Town Council

by: [Signature]  
Gary Bruhn, Mayor

Attest:

[Signature]  
Dorothy Burkhalter, CMC  
Town Clerk



First reading: May 14, 2013  
Second reading: