

ORDINANCE NO. 0-17-02

AN ORDINANCE OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, RELATING TO PUBLIC PARK RULES AND REGULATIONS, LIMITING THE USE OF ALCOHOL TO CITY SPONSORED EVENTS AMENDING CODE SECTION 74-4 (a) 7; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is no longer in the public interest to allow alcohol to be served at recreational facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, as follows:

Section 1. That section 74-4 of the Code of Ordinances, City of Sebastian, Florida, is hereby amended to read as follows

Sec. 74-4. General Regulations for Recreational Facilities.

(a) Prohibited conduct, unlawful acts. No person shall

* * * * *

(7) Possess, consume or serve any alcoholic or intoxicating beverages in any area therein unless in accordance with regulations allowing the same in conjunction with a City sponsored event, or as authorized by City Council through a city permit for a function held at a Public Use said Facility.

Section 2. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected and it shall be presumed that the City Council of the City of Sebastian did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect

Section 4. EFFECTIVE DATE. This Ordinance shall take effect upon its adoption by the City Council.

The foregoing Ordinance was moved for adoption by Council Member Coy. The motion was seconded by Council Member McPartlan and, upon being put to a vote, the vote was as follows:

Mayor McPartlan	<u>aye</u>
Vice Mayor Coy	<u>aye</u>
Council Member Hill	<u>absent</u>
Council Member Dodd	<u>aye</u>
Council Member Kinchen	<u>aye</u>

The Mayor thereupon declared this Ordinance duly passed and adopted this 24th day of May, 2017.

CITY OF SEBASTIAN, FLORIDA



Mayor Bob McPartlan

ATTEST:



Jeanette Williams, MMC – City Clerk

Approved as to form and legality for
reliance by the City of Sebastian only:



Robert A. Ginsburg, City Attorney