

ORDINANCE NO. 07-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY AMENDING SECTION 18-26 TO PROVIDE DEFINITIONS; ADDING SECTION 18-29 TO REQUIRE HEALTH WARNING SIGNS ON PREMISES OF ESTABLISHMENTS WHICH SELL ALCOHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, drinking of alcoholic beverages by pregnant women is dangerous to their unborn children; and

WHEREAS, alcoholic beverages ingested during pregnancy may cause birth defects and fetal alcohol syndrome; and

WHEREAS, the City Commission finds that an ordinance requiring local businesses to post warning signs about the danger to unborn children of women who drink alcoholic beverages while pregnant would serve to promote the health, safety and welfare of the citizens of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 18-26 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The measurement of the percentage of alcohol by volume shall be determined as provided in F.S. ch. 561.

Vendor means any person or entity who owns or operates a business establishment which sells at retail any alcoholic beverages for on-premises consumption. Vendor also includes any person or entity who owns and operates a liquor store, or other business establishment, including but not limited to grocery stores, drugstores, convenience stores and gas stations, which has retail sale of alcoholic beverages.

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 2: That Section 18-29 of the Code of Ordinances is hereby added as follows:

Sec. 18-29. Warning sign required to be posted.

(a) All vendors of alcoholic beverages shall post in a conspicuous place in their premises a sign which is clearly visible and legible to all patrons entering the premises which shall read as follows:

"HEALTH WARNING"

**DRINKING DISTILLED SPIRITS, BEER (INCLUDING
NON-ALCOHOLIC), COOLERS, WINE AND OTHER
ALCOHOLIC BEVERAGES DURING PREGNANCY MAY
INCREASE THE RISK OF PERMANENT BIRTH DEFECTS.**

In the alternative, a health warning sign provided by the Florida Keys Health Start Coalition may be used.

(b) The above-described sign shall be legibly printed on cardboard or other similar material with at minimum one-half-inch block style letters.

(c) A violation of this section may be prosecuted in the same manner as a second degree misdemeanor pursuant to F.S. section

125.60 or as a code violation under F.S. chapter 162 or through any other lawfully available method. Enforcement proceedings before the code enforcement Special Magistrate shall subject the violator to fines and penalties pursuant to Chapter 2, Article VI, Division 2 of the code of ordinances. Criminal prosecution pursuant to section 125.60, Florida Statutes shall subject a person to fines not to exceed five hundred dollars (\$500.00) or to imprisonment in the county jail not to exceed 60 days or both such fine and imprisonment. Each day of a continuing violation shall constitute a separate offense subject to the penalties set forth herein.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

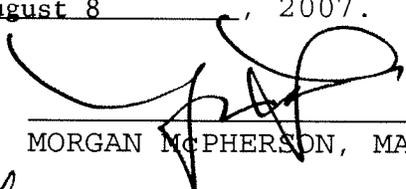
Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a special meeting held this 17 day of July, 2007.

Read and passed on final reading at a special meeting held this 7 day of August, 2007.

Authenticated by the presiding officer and Clerk of the Commission on 7 day of August, 2007.

Filed with the Clerk August 8, 2007.


MORGAN McPHERSON, MAYOR


CHERYL SMITH, CITY CLERK