

Chapter 3

ALCOHOLIC BEVERAGES*

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*Cross reference—Zoning, app. A.

State law reference—Alcoholic beverage laws, F.S. chs. 561—565.

Sec. 3-1. Restrictions on issuance of license for sale; restrictions on licensed vendors; exceptions.

(a) No license shall be granted to a vendor to sell, serve or dispense alcoholic beverages, including wine and/or beer, by the state division of beverages, whose place of business for selling, serving or dispensing alcoholic beverages, including wine and/or beer, is or shall be within:

- (1) One thousand feet of an established church, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the nearest entrance of the church.
- (2) One thousand feet of a school, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the nearest point of the school grounds in use as part of the school facilities.
- (3) One thousand feet of a publicly owned and operated playground area, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the nearest point of the playground area in use as part of the facilities.

(b) No vendor licensed by the state division of beverage to sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his place of business within, and such place of business is prohibited from being operated within:

- (1) One thousand feet of an established church, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the nearest entrance of the church.
- (2) One thousand feet of a school, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the nearest point of the school grounds in use as part of the school facilities.
- (3) One thousand feet of a publicly owned and operated playground area, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the nearest point of the playground area in use as part of the facilities.

(c) No certificate of use or occupancy or building, plumbing, electrical or other permit, including but not limited to health permits, shall be issued to any person conducting and/or operating a business for the sale of alcoholic beverages, including wine and/or beer, at a location prohibited pursuant to subsections (a) and (b) of this section.

(d) The following licensed vendors are exempt from the provisions of subsections (a) and (b) of this section to the extent and only to the extent as indicated below:

- (1) Vendors holding valid licenses on October 15, 1975, for the sale of malt beverages (beer) are exempt for the specific and limited purpose of, and to the extent and only to the extent of, permitting those vendors to continue to sell malt beverages (beer) at their present locations. The purpose of this exemption is to permit the future sale of malt beverages (beer) and only malt beverages (beer) in the same manner as such vendors were authorized by law to sell them on October 15, 1975.
- (2) Vendors of beer containing alcohol of not more than 14 percent by weight for consumption off the premises only.
- (3) Vendors of wines, regardless of the alcoholic content, for consumption off the premises only.
- (4) Vendors of distilled spirits sold for on the premises consumption by a bona fide restaurant holding a special license for such as provided under the state beverage law, and properly licensed vendors of beer or malt beverages and/or wine only sold for on the premises consumption by a bona fide restaurant, provided the following two conditions are met:
 - a. That the bona fide restaurant is a business establishment which provides adequate seating for a minimum of at least 25 people, which prepares and serves food on the premises, and which derives at least 75 percent of its gross revenues from the sale of food and not from the sale of alcoholic beverages.
 - b. That such bona fide restaurant is at least 500 feet from an established church, school or public playground area in the manner provided in subsections (a) and (b) of this section.

(Code 1980, § 3-3; Ord. No. 234, § 1, 6-26-90; Ord. No. 303, § 1, 4-24-01)

State law reference—Authority to restrict location, F.S. § 562.45(2).

Sec. 3-2. Hours of sale. *Don't change alcohol*

No alcoholic beverages may be sold, consumed, served or permitted to be served or consumed in any establishment in the town which holds a license issued by the state division of alcoholic beverages and tobacco of the department of business regulation between the hours of 12:00 p.m. (midnight) and 7:00 a.m. of the following day. In addition, no alcoholic beverages may be sold, consumed, served or permitted to be served or consumed in any establishment in the town which is licensed by the state division of alcoholic beverages and tobacco of the department of business regulation between the hours of midnight of each Saturday and 7:00 a.m. of the following Monday; provided, however, alcoholic beverages may be sold, consumed, served or permitted to be served or consumed for on the premises consumption only by a bona fide restaurant as defined by subsection 30-1(d)(4)a. above between the hours of 12:00 (noon)

and 12:00 p.m. (midnight) on Sunday or 12:00 (noon) Sunday and 2:00 a.m. of the following Monday should that Sunday fall on New Years Eve, subject further however to the provisions of subsection 30-1(d)(4)b. above.

(Code 1980, § 3-2; Ord. No. 196, § 1, 7-6-83; Ord. No. 224, § 1, 1-31-89; Ord. No. 303, § 2, 4-24-01)

State law reference—Authority to restrict hours, F.S. § 562.45(2).

Sec. 3-3. Consumption on public roads prohibited.

No person shall partake or consume any alcoholic beverages, including wine and/or beer, upon the public streets, roads or rights-of-way within the incorporated areas of the town.

(Code 1980, § 3-5)

Sec. 3-4. Possession or consumption of contents of open containers within 500 feet of licensed premises.

(a) The following terms, when used in this section, shall have the meanings set forth below unless the context clearly indicates otherwise:

Alcoholic beverages means distilled spirits and all beverages, including wine and/or beer, containing one-half of one percent or more alcohol as determined in accordance with F.S. § 561.01(4)(b).

Container means any can, bottle, carton or other vessel of alcoholic beverages, including wine and/or beer.

Open container means any container which has the original seal broken or which has been otherwise opened, punctured or altered so as to allow the consumption of its contents.

(b) It shall be unlawful for anyone to possess or to consume the contents of open containers of alcoholic beverages, including wine and/or beer, off the premises of any establishment dealing in alcoholic beverages, including wine and/or beer, and within 500 feet of the premises which is licensed for the sale of such alcoholic beverages, including wine and/or beer. The distance set forth in this section shall be measured by following a straight line from that portion of any building which is part of the establishment dealing in alcoholic beverages, including wine and/or beer, to the location of the violation of this section. See next pg ->

(c) Each establishment dealing in alcoholic beverages, including wine and/or beer, shall, at all times when such establishment is open to the public or is dispensing or selling alcoholic beverages, including wine and/or beer, have located in the interior as well as the exterior portions of the building licensed for the sale of such alcoholic beverages, including wine and/or beer, at a location which it can be readily seen and read by customers of the establishment, a sign prominently displayed of a size at least one foot by two feet, containing the following information:

IT IS UNLAWFUL TO CONSUME OR POSSESS ALCOHOLIC BEVERAGES, INCLUDING WINE AND/OR BEER, WITHIN 500 FEET OF THIS ESTABLISHMENT AND OFF OF THESE LICENSED PREMISES.

ORD. NO. 218

(d) The town manager or his designee shall prescribe by rule the location for the signs and the size of the lettering, following as guidelines the criteria set forth in this section. It shall be unlawful for the owner of any establishment dealing in alcoholic beverages, including wine and/or beer, to fail to comply with this section or for any person to sell, dispense or serve alcoholic beverages, including wine and/or beer, in any establishment which is not in compliance with this section. The requirements of this section shall apply to all establishments dealing in alcoholic beverages, including wine and/or beer, whether or not then licensed or licensed in the future. However, these signage requirements shall not apply to private clubs which are open only to members and their guests.

(e) The following shall be exempt from the provisions of this section:

- (1) Consumption or possession within enclosed buildings.
- (2) Consumption upon private residential property by owners or residents of that property and their guests.
- (3) Consumption upon the property and within the buildings of any establishment properly licensed for on-premises consumption of alcoholic beverages, including wine and/or beer; however, consumption of such beverages shall not be permitted within the parking lot of any such approved establishment.

(f) Any person who shall have been convicted of a violation of this section shall be guilty of a misdemeanor of the second degree punishable as provided in F.S. §§ 775.082 and 775.083. (Ord. No. 218, § 1, 7-26-88)

Sec. 3-5. Seizure and forfeiture of vehicles used in transportation of illicit liquor and stilling apparatus.

Any vehicle, vessel, aircraft or any animal used in the transportation or removal of, or for the deposit or concealment of, any illicit liquor still or stilling apparatus or any mash, wort, wash or other fermented liquids capable of being distilled or manufactured into an alcoholic beverage containing more than one percent of alcohol by weight, or any alcoholic beverage commonly known and referred to as moonshine whiskey, where seized within the corporate limits of the town, shall be forfeited, as provided for by the general state law, and all sums received therefrom shall go into the general operating fund of the town.
(Code 1980, § 3-6)

Chapter 4

RESERVED

