

ORDINANCE NO. 303

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE TOWN OF HAVANA PERTAINING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 3-1 (d) (4) THEREOF PERTAINING TO EXCEPTIONS ON THE RESTRICTIONS FOR THE ISSUANCE OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES AND THE RESTRICTIONS ON THOSE LICENSED VENDORS THEREOF BY PROVIDING A MINIMUM SEATING REQUIRED FOR BONA FIDE RESTAURANTS; AMENDING SECTION 3-2 THEREOF PERTAINING TO THE HOURS OF SALE OF ALCOHOLIC BEVERAGES TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON THE PREMISES CONSUMPTION BY A BONA FIDE RESTAURANT ONLY ON SUNDAYS BETWEEN THE HOURS OF 12:00 NOON AND 12:00 P.M. (MIDNIGHT) OR 12:00 NOON AND 2:00 A.M. MONDAY SHOULD THAT SUNDAY FALL ON NEW YEAR'S EVE; PROVIDING FOR CODIFICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA:

SECTION 1. That Section 3-1 (d) (4) of Chapter 3 of the Code of Ordinances of the Town of Havana is hereby amended to read as follows:

"CHAPTER 3. ALCOHOLIC BEVERAGES

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

(d) (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."

SECTION 2. That Section 3-2 of Chapter 3 of the Code of Ordinances of the Town of Havana is hereby amended to read as follows:

"CHAPTER 3. ALCOHOLIC BEVERAGES

Sec. 3-2. Hours of Sale.

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 Section 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 Section 30-1(d)(4) b. above."

SECTION 3. It is the intention of the Town and it is hereby provided that the provisions of this ordinance shall be made a part of the Code of Ordinances of the Town of Havana, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 4. This ordinance shall take effect immediately upon its passage and approval as required by law.

INTRODUCED in open session of the Town Council of the Town of Havana, Florida, this 27th day of March, A.D. 2001.

ADOPTED AND PASSED on second and final reading in open session of the Town Council of the Town of Havana, Florida, this 24th day of April, A.D. 2001.

Z. J. Davis
Presiding Officer of the Town
Council of the Town of Havana,
Florida

ATTEST:

Karen Myrick
Clerk of the Town of Havana and
Clerk of the Town Council thereof