

ORDINANCE NO. 85-6

AN ORDINANCE PERTAINING TO THE ALCOHOLIC BEVERAGES; PROVIDING FOR HOURS OF SALE; PROVIDING FOR REGULATION OF BOTTLE CLUBS; PROVIDING A DEFINITION; REQUIRING A PERMIT; PROVIDING FACTORS CONSIDERED RELATIVE TO LOCATION; REQUIRING REPORT OF CHANGE OF OWNERSHIP OR MANAGEMENT; RIGHT OF INSPECTION; PROVIDING THAT PERMITS ARE NON-TRANSFERABLE; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, as follows:

SECTION I. PURPOSE. The purpose of this Ordinance to be known as the Alcoholic Beverages Ordinance is to regulate the hours of sale for beer, wine and liquor and to regulate bottle clubs.

SECTION II. HOURS OF SALE. Hours of sale for beer, wine and liquor are provided as follows:

(a) The sale of beer, wine and liquors shall be permitted in Hernando County, Florida, only between the hours of 6:00 A.M. and 2:00 A.M. the following morning on Mondays Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, and Sundays from 1:00 P.M. until 2:00 A.M. the following morning.

(b) The sale of beer, wine and liquors shall not be permitted in Hernando County, Florida on the day of any special or general election between the hours of 2:00 A.M. and 7:00 P.M.

SECTION III. BOTTLE CLUBS.

(a) Bottle clubs generally.

(1) For the purpose of this section, the term bottle club means any business establishment not holding a valid beverage license but which permits the consumption of alcoholic beverages on its premises and which, for monetary consideration, serves to its customers food, soft drinks, ice and mixes and

provides some form of entertainment for the enjoyment of such customers.

(2) Nothing contained in this section shall be construed to apply to bona fide restaurants. Bona fide restaurants, for the purposes of this section, shall be defined as those establishments which derive fifty-one (51%) per cent of the amount of their gross profits from the sale of food to be consumed on the premises.

(3) Every bottle club doing business in the county shall be required to purchase from the state beverage department a license at a fee equal to twenty-five (25%) per cent of the amount of the license tax provided for vendors operating places of business where consumption of alcoholic beverages on the premises is permitted.

(4) Said premises shall be subject to all laws regulating licensed vendors of alcoholic beverages.

(5) The enforcement of this section shall be responsibility of the district supervisor of the state beverage department and the director of said department is hereby authorized to adopt necessary rules and regulations to enforce the provisions of this section.

(b) Purpose; definition.

It is for the health and safety and public welfare of the citizens of Hernando County, Florida, that no person, club, corporation or association may keep, maintain, operate, or lease any premises for the purpose of providing a "bottle club" unless the person, club, corporation, or association conforms with the requirements of this Ordinance.

For the purpose of this Ordinance, a bottle club is defined as any clubroom or premises where any alcoholic beverage is brought for consumption on the premises by members of the public or of any club, corporation or association.

(c) Application for bottle club permit.

Any person, club, corporation or association desiring to permit, establish, operate, maintain or construct a bottle club as defined in this Ordinance within the unincorporated areas of

Hernando County shall make application therefor to the Planning & Development Department of Hernando County for a "bottle club permit" on forms prescribed by that department. The following information shall be furnished by each applicant for a bottle club:

(1) Name, address and telephone number of applicant.

(2) Name, address and telephone number of the location where the applicant will operate, maintain, establish or conduct a bottle club.

(3) Written proof that the applicant is at least eighteen (18) years of age, or if applicant is a corporation, partnership or association, that all officers, partners or principals are not less than eighteen (18) years of age.

(4) Characterization of the type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise and the name or names and address of any and all co-owners.

(5) An affidavit stating the business, occupation, profession or employment history of the applicants for the three (3) years immediately preceding the date of application.

(6) An affidavit stating the full history of any criminal convictions of the applicant. No authorization shall be issued until an application is made to the Planning & Development Department which shall cause an investigation to be made to determine whether the applicant has complied with this section and all other requirements of this ordinance and of the Florida Statutes. Each application must be accompanied by a fee to cover the cost of the investigation and administration. The fee schedule will be set by resolution adopted by the Board of County Commissioners.

(7) Two (2) front face portraits of the applicants, at least two (2) inches by two (2) inches taken within thirty (30) days of application.

(8) A non-refundable fee of one hundred (\$100.00) dollars shall accompany each application payable in cash or by certified or cashier's check or money order payable to the "Board of County Commissioners of Hernando County, Florida".

(d) Consideration of factors relative to location, effect, etc.

No permit for the construction, operation, maintenance or establishment of a bottle club as defined in this Ordinance which bottle club is situated within the unincorporated areas of Hernando County shall be issued by the Planning & Development Department without approval from the Board of County Commissioners. The Board of County Commissioners shall consider the following factors:

(1) No bottle club may be located within five hundred (500) feet of any school or church, said distance being measured following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the main entrance of the church or school.

(2) The location and extent of the proposed bottle club shall not adversely affect the character of the existing neighborhood.

(3) Traffic generated as a result of the location of the proposed bottle club will not create congestion nor present a safety hazard.

(4) The background and character of the bottle club applicant and all officers, partners, principals or agents of the bottle club including prior criminal history.

(5) The proposed bottle club is compatible with the particular location for which it is proposed and meets the zoning requirements as provided by Hernando County's Land Use Ordinance.

(e) Report of change in managers, stockholders, etc.

Every holder of a bottle club permit shall report immediately to the Department of Planning & Development any changes of ownership or management of the bottle club including

but not limited to changes of managers or other persons in charge, stockholders holding more than ten (10%) per cent of the stock of the corporation, changes of officers, directors or partners, changes of name, style or designation under which the business is to be conducted.

(f) Right of inspection.

Law enforcement officers shall have the power to inspect the premises of any bottle club at all reasonable business hours in the manner prescribed by law when such inspection is considered essential by law enforcement officers for the benefit or preservation of the public welfare and safety of the citizens of Hernando County.

Any person subject to this Ordinance who refuses to admit such law enforcement officers to the premises of a bottle club or to allow law enforcement officer to inspect said premises shall be guilty of a crime defined and punishable by general law.

(g) Permits not to be transferred.

No bottle club permit shall be transferable, separate or divisible, and such permit shall be conferred only to the person, corporation, club or association named in the permit.

(h) Violations.

Violations of any provision of this Ordinance shall be a crime defined and punishable by general law.

(i) Hours of operation.

The hours of operation of bottle clubs in Hernando County shall be between the hours of 6:00 A.M. and 2:00 A.M., seven days a week.

(j) No bottle club shall sell, give or otherwise provide beer, wine or liquors to any person.

SECTION IV. SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence or phrase of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION V. REPEAL. Chapter 63-963 of the Laws of Florida, which was transformed into a local ordinance by Chapter 71-29 of the Laws of Florida is hereby repealed.

SECTION VI. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board of County Commissioners and this Ordinance will take effect upon receipt of official acknowledgement from that office that the same has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 19th day of March, 1985.

(SEAL)

Attest:

Harold W. Brown
Harold W. Brown
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By:

Leonard F. Trias Sr.
Chairman