

Chapter 4 ALCOHOLIC BEVERAGES*

*State law reference(s)—Alcoholic beverages, F.S. chs. 561--569.

Sec. 4-1. Sale of alcoholic beverages for on-premises consumption; location.

Sec. 4-2. Sale of alcoholic beverages within the community redevelopment districts.

Sec. 4-1. Sale of alcoholic beverages for on-premises consumption; location.

(a) *Definitions.* As used in this Section, the following words, terms and phrases shall have the meaning ascribed to them in this Section, except where context clearly indicates a different meaning:

(1) *Alcoholic beverage* shall mean all beverages containing more than one percent of alcohol by weight, measured in the manner described in section 561.01(4)(b), Florida Statutes.

(2) *Open Container* means any vessel or container containing an alcoholic beverage, as defined herein, which is immediately capable of consumption or the seal of which has been broken notwithstanding the fact that the vessel or container has been recapped or covered.

(3) *Package Store* means a licensed place of business where alcoholic beverages are sold in the original sealed containers as received from the distributor for consumption off premises only.

(b) *Sale permitted; locational criteria for consumption on premises.* The sale of alcoholic beverages for consumption on the premises is permitted in an area designated for commercial land use by the Comprehensive Development Code, or in an area designated for Industrial land use by the Comprehensive Development Code that contains an existing, legal non-conforming commercial use except as provided herein and provided that:

(1) The sale of alcoholic beverages for consumption on premises shall not be permitted on any tract of land within three hundred (300) feet of a church, county-licensed child care facility or public school site, such distance to be measured from the property line of the church, state-licensed child care facility or public school property closest to the parcel upon which alcohol will be sold for consumption on premises in a straight line to the nearest outer edge or wall of the business structure.

(2) This section of these regulations shall be extended to allow the sale of alcoholic beverages for consumption on the premises within the clubhouse located on golf course premises within an area designated for residential land use.

(3) This section of these regulations shall also be extended to allow the sale of alcoholic beverages for consumption on the premises of all residential facilities which meet the criteria of Florida Statutes for 4-COP SRX – Restaurant License, Florida Statutes, section 561.20(2)(a)(3). Any proposed facility is required to comply with the 300-foot minimum distance requirement noted in subsection (b)(1) above.

(4) This section of these regulations shall be extended to allow the sale of alcoholic beverages for consumption on premises at the Largo Cultural Center located at 105 Central Park Drive, the Largo Public Library located at 120 Central Park Drive, the Largo Feed Store located at 295 Central Park Drive, the Largo Community Center located at 400 Alternate Keene Road, and the Largo Golf Course located at 12500 Vonn Road. In addition, the City Manager, for certain scheduled events and uses, shall have the discretion to authorize the sale, possession and consumption of otherwise lawful alcoholic beverages at any public facility in the City.

(5) The dispensing of alcoholic beverages for on-premises consumption in conjunction with a restaurant shall be exempt from the distance provisions of this Section. For the purposes of this Section, "restaurant" means an eating and drinking establishment serving alcoholic beverages that is governed by either: (1) a State of Florida series SRX alcoholic beverage license, or (2) by another State of Florida consumption on premises license, and which is required to maintain a greater than fifty (50) percent ratio of food and non-alcoholic beverage sales relative to total food and beverage sales as measured on an annual basis (including 2-COP licenses). Vendors dispensing alcoholic beverages for consumption on premises may be required by the City to provide verification from a certified public accountant establishing that the restaurant is maintaining a greater than fifty (50) percent ratio of food and non-alcoholic beverage sales relative to total food and beverage sales on an annual basis.

(Ord. No. 2012-35, § 1, 8-21-2012)

(c) *Compliance required; duty of city manager.* The city manager or his designee shall require compliance with this section by any applicant for state liquor license and shall, for and on behalf of the city, and when appropriate, certify thereto. Other provisions of this chapter to the contrary notwithstanding, certification of applications for temporary alcoholic permits for special events may be approved without reference to the foregoing requirements.

(d) *Hours of sale; closing hours:*

(1) All business establishments in the city, licensed or unlicensed, dealing in alcoholic beverages of any alcoholic content, public or private, either directly or indirectly, including private bottle clubs, or similar establishments, where a product or article is sold, dispensed, served or provided with the knowledge, actual or implied, that the same will be, or is intended to be, mixed, combined with or drunk in connection or combination with an alcoholic beverage shall remain closed from the hours of 3:00 a.m. to 8:00 a.m. on each day of the week except Sunday.

(2) All such business establishments shall remain closed on each Sunday from the hours of 3:00 a.m. to 11:00 a.m.

(3) Exceptions:

- a. Drugstores or prescription shops dealing only in medicines and drugs dispensed for medical purposes shall not be within the prohibitions of this section.
- b. Vendors licensed under Sections 563.02(1)(a), 564.02(1)(a) and 565.02(1)(a), Florida Statutes, to operate places of business where alcoholic beverages are sold only in sealed containers for consumption off premises are specifically included in the provisions of this section, with the exception that such vendors shall not dispense alcoholic beverages between the hours of 12:01 a.m. and 8:00 a.m. each day, and except that such vendors shall not dispense alcoholic beverages between the hours of 12:01 a.m. and 11:00 a.m. on Sunday.
- c. All business establishments coming under this section which are engaged in a business primarily outside the purview of this section but which maintain a separate department or section within such establishment for the sale of alcoholic beverages shall close only that department or section in conformance with this section.

(Code 1978, § 3-5.1(a), (b); Ord. No. 83-22, § 1, 4-19-1983; Ord. No. 88-23, § 1, 5-17-1988; Ord. No. 92-31, § 1, 7-21-1992; Ord. No. 96-45, § 1, 9-17-1996; Ord. No. 2003-86, § 1, 9-2-2003; Ord. No. 2004-07, § 1, 11-4-2003; Ord. No. 2005-65, § 1, 8-2-2005; Ord. No. 2008-25, § 1, 4-15-2008; Ord. No. 2010-20, § 1, 2-2-2010, Ord. No. 2010-83, § 1, 9-7-2010, Ord. 2011-06, § 1, 11-13-2010, Ord. No. 2011-14, § 1, 2-1-2011)

State law reference(s)—Hours of sale, location, F.S. §§ 562.14, 562.45.

Sec. 4-2. Sale of alcoholic beverages within the community redevelopment districts.

The sale of alcoholic beverages within the community redevelopment districts (CRDs) shall be permitted in compliance with the following regulations:

(1) The sale of alcoholic beverages for consumption on premises (COP) is allowed on properties with a nonresidential land use and within residential facilities which meet the criteria contained in F.S. § 561.20(2)(a)(2) and (2)(a)(3).

(2) Establishments permitted to sell alcoholic beverages under this subsection and holding a valid 2-COP or 4-COP license shall be prohibited from locating within 50 feet of a church, county-licensed child care facility or public school building, such distance to be measured from the property line of the church, county-licensed child care facility or public school property closest to the parcel upon which alcohol will be sold or consumed in a straight line to the nearest outer edge or wall of the structure in which alcoholic beverages will be sold or consumed. Establishments permitted to sell alcoholic beverages under this subsection and holding a valid 4-COP license shall be prohibited from locating within 150 feet of another establishment holding a valid 4-COP license. Such distance is to be measured from the nearest outer edge or wall of the structure in which alcoholic beverages will be sold or consumed.

(3) Establishments permitted to sell alcoholic beverages under this subsection and which meet the criteria of F.S. § 561.20(2)(a)(4) for a 4-COP SRX--Special Restaurant License and facilities maintaining a valid 4-COP or 4-COP SRX license that are integrated with a hotel facility shall be exempt from the 150-foot distance separation from establishments holding a valid 4-COP license as stated in subsection (a)(2) of this section.

(Code 1978, § 3.5-2; Ord. No. 2002-27, § 1, 2-19-2002; Ord. No. 2008-25, § 2, 4-15-2008)

Sec. 4-3. Consumption of Alcoholic Beverages or Possession of Open Container in Public Places Prohibited.

(a) *Consumption of Alcoholic Beverages or Possession of Open Container in Public Places Prohibited.*

(1) It shall be a violation of this section for any person to consume any alcoholic beverages and for any person other than a licensed beverage salesperson or agent to carry or possess any open container at or upon any public right-of-way, including streets, sidewalks and alleyways, whether paved or unpaved, public parking lot, or other lands or facilities owned or controlled by the City except as otherwise hereinafter provided.

(2) The prohibitions contained in subsection (a)(1) shall not apply as follows:

- a. Instances in which the City has entered into a contract or issued a permit by which its terms allows the carrying or consumption of alcoholic beverages in a specified area or place; or
- b. To City-owned properties where the sale of alcohol for consumption on premises is specifically allowed pursuant to Section 4-1 of this Code; or
- c. For certain scheduled events and uses the City Manager has exercised his discretion pursuant to section 4-1 of this Code to authorize the sale, possession, and consumption of lawful alcoholic beverages at a public facility within the City; or
- d. The person in possession of an open container is engaged in picking up alcoholic beverage containers for the purpose of controlling litter, collecting deposits or other trash collection purposes.
- e. A pedestrian navigating the public right-of-way, including streets, sidewalks and alleyways, whether paved or unpaved, public parking lot or other lands or facilities controlled by the City in possession of a closed but unsealed container containing an alcoholic beverage is not in violation of this section so long

as the container remains closed and is kept inside another container having a mechanical closure; provided that the outer container is kept closed and the alcoholic beverage is not consumed in the public right-of-way, including streets, sidewalks and alleyways, whether paved or unpaved, public parking lot, or other lands or facilities owned or controlled by the City. The provisions of Chapter 316.1936, Florida Statutes are controlling as it pertains to individuals navigating the public right-of-way on or within a vehicle as that term is defined in Chapter 316, Florida Statutes.

- f. This provision shall not be construed to grant any right to use of common elements/areas in a private, multi-family residential development that is not in keeping with any by-laws, lease terms, association regulations or declarations, etc. applicable to use of said areas.

(b) Consumption of Alcoholic Beverages or Possession of Open Container Near Stores Selling Alcoholic Beverages, Churches, County-licensed Child Care Facilities, or Schools Prohibited.

(1) It shall be a violation of this Code for any person to consume alcoholic beverages or possess an open container within five hundred (500) feet of any package store, food store, drugstore or prescription shop, or any other establishment selling alcoholic beverages for consumption off premises provided however, that this prohibition shall not apply if the property within five hundred (500) feet of said package store, food store, drug store or prescription shop or other establishment selling alcoholic beverages for consumption off premises is within an enclosed building, is occupied by residential structures, or is occupied by an establishment authorized to sell alcoholic beverages for consumption on premises.

(2) It shall be a violation of this Code for any person to consume alcoholic beverages or possess an open container within five hundred (500) feet of a church, county-licensed child care facility or public school site, provided however that this prohibition shall not apply if the property within five hundred (500) feet of said church, county-licensed child care facility or public school site is within an enclosed building, is occupied by residential structures, or is occupied by an establishment authorized to sell alcoholic beverages for consumption on premises.

(c) Penalties.

(1) Except as otherwise provided by law or ordinance, a person convicted of a violation of this section shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment.

(2) With respect to violations of this section that are continuous with respect to time, each day the violation continues is a separate offense.

(Ord. No. 2011-14, § 2, 2-1-2011)