

Chapter 6 - ALCOHOLIC BEVERAGES⁽¹⁾

Footnotes:

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State Law reference— *Alcoholic beverage code, F.S. ch. 561 et seq.*

Sec. 6-1. - Definitions.

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

Alcoholic beverages means beverages containing alcohol of more than one-half of one percent by weight as provided in F.S. § 561.01.

Intoxicating liquors means as provided in F.S. § 561.01.

Retail means a sale to the ultimate consumer, and not for purposes of resale.

Wholesale means a sale to a dealer, vendor or other person for the purpose of resale.

(Code 1958, § 4-1; Code 1991, § 4-1)

Sec. 6-2. - Classification of vendors and distributors.

For the purposes of the regulation of the businesses of the retail and wholesale sale and distribution of alcoholic beverages and intoxicating liquors within the city, such businesses are hereby classified as follows:

- (1) *Retail package beverage store.* Vendor of alcoholic beverages at retail in sealed containers for consumption off the premises only.
- (2) *Retail beverage store.* Vendor of alcoholic beverages at retail for consumption on the premises.
- (3) *Retail package liquor store.* Vendor of alcoholic beverages and intoxicating liquors at retail in sealed containers for consumption off the premises only.
- (4) *Retail liquor store.* Vendor of alcoholic beverages and intoxicating liquors at retail for consumption on the premises.
- (5) *Club vendor.* Charter or incorporated clubs or lodges, organized for lawful purposes and not for the purpose of evading beverage laws, vending alcoholic beverages and intoxicating liquors at retail to members and their guests only for consumption on the premises.
- (6) *Beverage distributor.* Distributor and vendor, at wholesale only, of alcoholic beverages in sealed containers.
- (7) *Liquor distributor.* Distributor and vendor, at wholesale only, of alcoholic beverages and intoxicating liquors in sealed containers.

(Code 1958, § 4-2; Code 1991, § 4-2)

Sec. 6-3. - Retail beverage store and retail liquor store licenses issued to bona fide restaurants.

- (a) Retail beverage store and retail liquor store licenses issued by the state to bona fide restaurants of 50 seats or over, as permitted by the Charter and state law shall not permit the sale of alcoholic beverages and/or intoxicating beverages from bars, but shall permit only the serving of such

alcoholic beverages at restaurant tables or counters at which food is regularly served. No such licenses may be issued except to restaurants where the principal and primary business consists of dispensing and serving of food.

- (b) Retail liquor store licenses issued by the state to bona fide restaurants of 200 seats or over, as permitted by the Charter and state law shall permit the sale of alcoholic beverages or intoxicating liquors from bars and tables where food is regularly served. No such licenses may be issued except to restaurants, cafes, cafeterias and delicatessens where the principal and primary business consists of dispensing and serving of food.

(Code 1958, § 4-4; Code 1991, § 4-3; Ord. No. 2924, § 1, 10-24-1990; Ord. No. 3275, § 1, 10-14-1997)

*** Sec. 6-4. - Administrative review by city manager with approval by city commission for retail beverage and retail liquor store licenses issued to nonrestaurant facilities.**

- (a) Retail beverage and retail liquor store licenses issued by the state as permitted by state law limiting the number of permitted licenses for the sale of alcoholic beverages and intoxicating liquors, may be issued by the city commission, after administrative review by the city manager, for the following:

- (1) Art galleries, including private art galleries, for the retail sale of art.
- (2) Theaters.
- (3) Museums.
- (4) Other nonrestaurant facilities as determined on an individual basis by the city commission. In approving such facilities, the city commission may impose appropriate conditions and safeguards to protect the public health, safety and welfare.

- (b) In order for a nonrestaurant facility to qualify for a retail beverage or retail liquor store license under this section, the following minimum requirements shall be met in addition to other requirements set out elsewhere in this chapter:

- (1) That the nonrestaurant facility shall have a valid certificate of use and occupational license.
- (2) The sale of alcoholic beverages and intoxicating liquors shall be only incidental to the primary function of the facility.
- (3) Permanent bars or counters with a surface area not exceeding 45 square feet shall be permitted.
- (4) Total receipts from the sale of alcoholic beverages and intoxicating liquors shall not exceed 25 percent of the total annual gross receipts of any nonrestaurant facility. It shall be the responsibility of the nonrestaurant facility to maintain records open for inspection by the city to demonstrate compliance with this requirement.
- (5) Nonrestaurant facilities holding a state retail beverage or retail liquor store license shall always be subject to inspection by the city manager or his designee for the purpose of determining that such nonrestaurant facilities are in compliance with the existing requirements.

(Code 1958, § 4-4.1; Code 1991, § 4-4; Ord. No. 2924, § 1, 10-24-1990; Ord. No. 3275, § 1, 10-14-1997)

Sec. 6-5. - Retail stores in hotels; exterior entrance and advertising prohibited.

Retail beverage and retail liquor stores in hotels, licensed by the state pursuant to state law shall have no entrances or exits thereto except from within the hotel itself and not from the exterior of any such hotel or from any street. No signs advertising such retail beverage and/or retail liquor store, or

the sale of alcoholic beverages or intoxicating liquors therein, shall be permitted upon the exterior, or to be visible from the exterior, of any such hotel. No such retail beverage and/or retail liquor store license shall ever be separable from the hotel license in conjunction with which it is issued.

(Code 1958, § 4-5; Code 1991, § 4-5; Ord. No. 3275, § 1, 10-14-1997)

Sec. 6-6. - Retail stores in restaurants; exterior advertising prohibited.

Retail beverage and retail liquor stores in restaurants licensed by the state pursuant to state law shall have no signs advertising such retail beverage and/or retail liquor store, or the sale of alcoholic beverages or intoxicating liquors therein, upon the exterior, or to be visible from the exterior of any such restaurant. No such retail liquor store license shall ever be severable from the restaurant license in conjunction with which it is issued.

(Code 1958, § 4-5.1; Code 1991, § 4-6; Ord. No. 3275, § 1, 10-14-1997)

Sec. 6-7. - Possession of untaxed beverages.

It is unlawful for any person to own, possess, purchase, sell, serve, distribute or store any alcoholic beverages unless such person has fully complied with the pertinent provisions of the beverage law relating to the payment of excise taxes.

(Code 1958, § 4-9.1; Code 1991, § 4-7)

Sec. 6-8. - Possession of beverages not permitted to be sold under license.

It is unlawful for a licensee under the beverage law or his agent to have in his possession, or permit anyone else to have in his possession at or in the place of business of such licensee, alcoholic beverages not authorized by law to be sold by such licensee.

(Code 1958, § 4-10; Code 1991, § 4-8)

Sec. 6-9. - Storage on licensed premises.

It is unlawful for any vendor to store or keep any alcoholic beverages except for the personal consumption of the vendor, his family and guest in any building or room other than the building or room shown in the diagram accompanying his license application.

(Code 1958, § 4-11; Code 1991, § 4-9)

Sec. 6-10. - Sale only on licensed premises.

Each application for the sale of alcoholic beverages shall describe the location of the place of business where such beverage may be sold. It is unlawful to sell, or permit the sale of or distribute such beverage except on the premises covered by the license as described in the application therefor.

(Code 1958, § 4-12; Code 1991, § 4-10)

Sec. 6-11. - Compliance with state law.

All vendors and distributors classified in section 6-2 shall comply with all provisions and regulations of the beverage laws of the state applicable to their particular businesses.

(Code 1958, § 4-13; Code 1991, § 4-11)

Sec. 6-12. - Retail package store.

The business of retail package liquor stores, as classified in section 6-2, may be operated only between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except on certain holidays, namely, Christmas Day. No alcoholic beverages or intoxicating liquors may be sold or dispensed by any such licensees upon Sunday at any time or between the hours of 8:00 p.m. and 7:00 a.m. the following day, on weekends.

(Code 1958, § 4-15; Code 1991, § 4-12)

Sec. 6-13. - Retail package beverage, retail beverage, retail liquor stores; club vendors.

- (a) The business of retail package beverage store, as classified in section 6-2, may be operated only between the hours of 7:00 a.m. and 12:00 midnight (prevailing time) each day, except that such business may continue open through Saturday night to 1:00 a.m. on Sunday. No alcoholic beverages may be sold or dispensed by any such retail package beverage store between the hours of 12:00 midnight and 7:00 a.m. on weekdays and between the hours of 1:00 a.m. and 9:00 a.m. on Sunday.
- (b) The business of retail beverage store, as classified in section 6-2, may be operated only between the hours of 7:00 a.m. and 12:00 midnight (prevailing time) each day, except that such business may continue open through Saturday night to 1:00 a.m. on Sunday; no alcoholic beverages may be sold or dispensed by any such licensees between the hours of 12:00 midnight and 7:00 a.m. on weekdays and between the hours of 1:00 a.m. and 7:00 a.m. on Sundays.
- (c) The business of retail liquor stores and club vendors, as classified in section 6-2, may be operated daily, including Sundays, only between the hours of 9:00 a.m. and 2:00 a.m. the following day; no alcoholic beverage or intoxicating liquors may be sold or dispensed by any such licensees between the hours of 2:00 a.m. and 9:00 a.m. daily, including Sunday.
- (d) The business of retail liquor stores in hotels and motels may be operated daily between 9:00 a.m. and 2:00 a.m. the following day.

(Code 1958, § 4-16; Code 1991, § 4-13; Ord. No. 2767, § 1(4-16), 3-1-1988; Ord. No. 2975, § 1, 3-17-1992; Ord. No. 2006-14, § 2, 7-11-2006)

State Law reference— Authority to regulate hours of sale of alcoholic beverages, F.S. §§ 562.14(1), 562.45(2).

Sec. 6-14. - Retail vendors, Sunday deliveries prohibited.

No retail vendor of alcoholic beverages or intoxicating liquors shall solicit, accept or receive deliveries on Sunday of any alcoholic beverages or intoxicating liquors from any distributor; and no distributor shall make deliveries of any alcoholic beverages or intoxicating liquors on Sunday to any vendor or other person.

(Code 1958, § 4-17; Code 1991, § 4-14)

Sec. 6-15. - Consumption in public places and certain private places not permitted.

- (a) It shall be unlawful for any person, without the consent of the city manager or his designee, to drink alcoholic beverages in any public place in the city. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any public place without the consent of the city manager or his designee. Such consent shall be given by the city manager or his designee upon a showing that there is compliance with chapter 62, article VII.

- (b) The term "public place," as used herein, shall mean streets, sidewalks, parkways, parks, playgrounds, ball fields, school buildings, school yards, city hall, libraries, stadiums and any other property owned or in the possession of the city or any other state, county or other governmental agency in which property is used or intended for use by city or government employees or by members of the general public.
- (c) It shall be unlawful for any person to consume any alcoholic beverage on private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises.
- (d) Nothing in this section prevents the possession or consumption of alcoholic beverages in compliance with F.S. § 316.1936.

(Code 1958, § 4-25; Code 1991, § 4-15)