

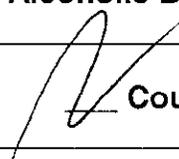
Item No. 56

**SEMINOLE COUNTY ATTORNEY'S OFFICE
PUBLIC HEARING
May 13, 2003 at 1:30 p.m.**

Action Requested:

Enact Ordinance relating to Alcoholic Beverages

Authorization:

 County Attorney

Proposed amendment to Section 15.17, Seminole County Code, relating to alcoholic beverages. Please note that the Ordinance has been amended to reflect that the sale and service of alcoholic beverages must cease at 2 a.m. However, patrons may remain in establishments and possess and consume alcoholic beverages until 2:30 a.m.

Please see letter from Sheriff Eslinger with attached proposed Ordinance.



Seminole
County

Sheriff Donald F. Eslinger

Member, Florida Sheriffs Association
Member, National Sheriffs' Association

An Internationally Accredited Agency



February 17, 2003

Honorable Daryl McLain, Chairman
Board of County Commissioners
Seminole County Services Building
1101 East First Street
Sanford, FL 32771

Re: Alcoholic Beverage Ordinance

Dear Chairman McLain:

Due to an increased number of citizen complaints and incidents requiring Sheriff's Office response, it has come to my attention that there is a common practice of allowing patrons to remain in and consume alcoholic beverages in drinking establishments after 2 a.m. Patrons are purchasing alcoholic beverages at the establishments, prior to 2 a.m., having establishment employees store and distribute it for consumption after liquor sales are prohibited.

The Sheriff's Office has contacted the Florida Division of Alcoholic Beverages and Tobacco (FDABT) for assistance due to the complaints from the public. However, FDABT indicated that they couldn't take action, as the Seminole County ordinance is too vague regarding the restriction of alcoholic beverages. I am proposing that we revise our current ordinance to resolve the issues allowing consumption of alcoholic beverages on premises, specifically to regulate not only the sale of alcoholic beverages after 2 a.m. but also to prohibit service, possession and consumption after 2 a.m. Currently, our ordinance regulates only the hours of sale and is silent as it relates to the hours that service, possession and consumption of alcoholic beverages on premises. Clarifying this aspect as it relates to the intent of this ordinance will enable agents from the FDABT and our deputy sheriffs to more efficiently and uniformly enforce the ordinance in the interest of the health, safety and welfare of our community.

Tesha Scolaro, General Counsel to my office, and Assistant County Attorney Steve Lee worked together to draft an amendment to the ordinance. I am requesting that you place the proposed amended ordinance on the agenda for the next BCC Meeting. Chief Deputy Steven D. Harriett from my office will be presenting it. Please feel free to call me with your thoughts and suggestions. I look forward to hearing from you.

Sincerely,

Sheriff Donald F. Eslinger

DFE:eag

C: Kevin Grace, County Manager, Chief Deputy Steven D. Harriett, Lieutenant Scott Ballou, SCSO
Tesha Scolaro, General Counsel

O R D I N A N C E

AN ORDINANCE AMENDING SECTION 15.17, CODE OF SEMINOLE COUNTY, DEALING WITH HOURS OF SALE OF ALCOHOLIC BEVERAGES AND CLOSING OF ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES; REQUIRING OUTSIDE LIGHTS TO BE TURNED OFF AND DOORS LOCKED AT 2:00 AM; ALLOWING CUSTOMERS TO REMAIN UNTIL 2:30 AM TO FINISH LAST DRINK; REQUIRING REMOVAL OF ALL DRINKS AND FOR CUSTOMERS TO LEAVE AT 2:30 AM; PROHIBITING SALES OF ALCOHOLIC BEVERAGES AFTER 2:00 AM; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Economic Impact Statement has been appropriately prepared and made available for public review in accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 15.17, Code of Seminole County, is amended to read as follows:

Sec. 15.17 Hours for sale of alcoholic beverages and closing of establishments selling alcoholic beverages for consumption on premises. It shall be unlawful for any person to sell, barter, exchange or, ~~in any manner, deal in~~ distribute alcoholic beverages in any place between the hours of 2:00 a.m. and 7:00 a.m. of the same day.

(a) At not later than 2:00 a.m. of each day, the owner(s) of businesses licensed to sell alcoholic beverages for consumption on premises, personally or through employees, shall:

(1) extinguish all exterior lighting, except in parking areas, including signage providing advertising or the name of the business, in order to indicate that said establishment is closed for business; and

(2) close and lock all public access doors within said establishment to prevent and prohibit further entry by customers and members of the public.

(b) Customers who are within establishments prior to 2:00 a.m. who have prior thereto purchased or have been served with a **single** drink of alcoholic beverage and have not completed the consumption thereof prior to 2:00 a.m. shall be permitted to remain until not later than 2:30 a.m. for the purposes of consumption of the single drink of alcoholic beverage.

(c) At no later than 2:30 a.m. of each day, the owner(s) of businesses licensed to sell alcoholic beverages for consumption on premises, personally or through employees, shall:

(1) remove and/or cause to be surrendered all drinks of alcoholic beverages from tables and bars; and

(2) require all customers to leave the establishment.

(d) Nothing in this section shall be construed to permit any alcoholic beverage establishment or person to sell or serve

alcoholic beverages after 2:00 a.m. For the purposes of this ordinance, all establishments selling alcoholic beverages for consumption on premises shall be deemed closed at 2:30 a.m.

(e) In accordance with Section 125.69, F.S. (2003) or any successor statute regarding the same subject matter, violations of this section are punishable by up to sixty (60) days in jail and/or a fine not to exceed \$500.00.

Section 2. Codification

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become, and be made a part of the Seminole County Code. The word "Ordinance" may be changed to section, article, or other appropriate word or phrase and the sections of this Ordinance may be assigned new numbering or lettering to accomplish such intention; providing, however, that Sections 2, 3, and 4 shall not be codified.

Section 3. Severability

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective upon receipt of official acknowledgment by the Clerk of the Board of County

Commissioners from the Department of the State that this Ordinance has been filed with the Department of State.

ENACTED this _____ day of _____, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, Chairman

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ECONOMIC IMPACT STATEMENT

DATE: May 2003

DEPT./DIVISION: Sheriff's Office

CONTACT PERSON: Chief Penny Fleming

EXTENSION: #6617

DESCRIBE PROJECT/PROPOSAL:

Revision of Seminole County Code Section 15.17, for the Sheriff's Office, to address the hours of sale of alcoholic beverages and the closing of establishments licensed to sell alcoholic beverages.

The intent of the ordinance is to prohibit the sale of alcoholic beverages after 2:00 a.m., require the outside lighting to be turned off and doors locked at 2:00 a.m., and allow customers to remain in the establishment until 2:30 a.m. to finalize consumption of their drinks. At 2:30 a.m. all drinks will be removed and all customers will depart from the establishment.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY:

The direct impact for the Sheriff's Office relates to a reduction in the enforcement monitoring timeframe for such business activities. Cost savings are incurred as the official monitoring time of such premises will be limited to approximately 3:00 a.m. versus monitoring until approximately 5:00 a.m.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED:

The direct financial impact for owners of such establishments is minimal. Since the sale of alcoholic beverages is the major revenue source, only the sale of non-alcoholic beverages or food (if provided) would be occurring between the hours of 2:00 a.m. and when the establishment closes.

Violators of the stated regulations, establishment owners or customers, will be directly affected by receiving a sixty (60) day jail sentence or \$500 fine.

IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL:

An indirect benefit may be received by early morning travelers not encountering the usual level of late night/early morning potential traffic issues.