

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



CITY of *Palatka* FLORIDA

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

TERRY K. SUGGS
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

JASON L. SHAW, SR.
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

AGENDA

CITY OF PALATKA TOWN HALL MEETING

June 7, 2016 – Price Martin Center, 220 N. 11th Street; 6:00 p.m.

June 8, 2016 – Palatka Golf Club, 1715 Moseley Avenue, 6:00 p.m.

CALL TO ORDER & Reading of Workshop Meeting Call – Mayor Hill

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

1. PUBLIC COMMENTS (limited to 3 minutes – no action will be taken on topics of discussion)
- * 2. INTRODUCTION OF TOPIC – Hours of Alcohol Sales and Consumption – Mayor Hill & Staff
3. PUBLIC INPUT/COMMENT
4. COMMISSION COMMENTS
5. ADJOURN

*Attachment **Separate Cover

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

TERRILL L. HILL
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June 1, 2016

**TO COMMISSIONERS: MARY LAWSON BROWN, RUFUS BOROM,
JUSTIN CAMPBELL AND JAMES NORWOOD, Jr.:**

You are hereby notified that Town Hall Meetings hosted by the Palatka City Commission are called to be held on the following dates, times and places:

- Tuesday, June 7, 2016 at Price Martin Center, 220 N. 11th Street, Palatka, to commence at 6:00 p.m. The purpose of this meeting is to take input from churches and the public on Palatka Municipal Code, Chapter 10, Alcoholic Beverages
- Wednesday, June 8, 2016 at Palatka Golf Club, 1715 Moseley Avenue, Palatka, to commence at 6:00 p.m. The purpose of this meeting is to take input from businesses and the public on Palatka Municipal Code, Chapter 10, Alcoholic Beverages.

Please govern yourselves accordingly.

/s/ Terrill L. Hill

Terrill L. Hill, MAYOR

We hereby acknowledge receipt of the foregoing Notice of called Town Hall Meetings on the 1st day of June, 2016.

/s/ Mary Lawson Brown

COMMISSIONER

/s/ Justin Campbell

COMMISSIONER

/s/ James Norwood, Jr.

COMMISSIONER

/s/ Rufus Borom

COMMISSIONER

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.



**CITY COMMISSION WORKSHOP
AGENDA ITEM**

SUBJECT:

INTRODUCTION OF TOPIC - Hours of Alcohol Sales and Consumption - Mayor Hill and Staff

SUMMARY:

As a result of City Commission discussions on April 14 and May 12 concerning current City Code regarding sales and service of alcoholic beverages, the Commission has set Town Hall meetings for the purpose of taking input from churches, business and the public.

- Town Hall Meeting - June 7, 2016 at 6:00 p.m. - Price Martin Center, 220 N. 11th Street, to take input from churches and the public. Anyone wishing to provide public input at this meeting may do so.
- Town Hall Meeting - June 8, 2016 at 6:00 p.m. - Palatka Golf Club, 1715 Moseley Avenue, to take input from businesses and the public. Anyone wishing to provide public input at this meeting may do so.

Current City of Palatka and Putnam County Codes regarding hours of sales and consumption of alcoholic beverages follows this summary.

Also following this summary are minutes on the discussions that took place at the April 14 and May 12 meetings.

Chief Shaw submitted a verbal report. The Clerk has distributed 2004/2005 minutes and materials as requested.

RECOMMENDED ACTION:

Take public input regarding hours of sales/consumption of alcoholic beverages.

ATTACHMENTS:

Description	Type
☐ City Code, County Code - Hours of Sale	Backup Material
☐ 2005 Ordinance amending Alcohol Sales Code	Discussion
☐ Minutes Re Alcoholic Beverages Discussions 4/14 & 5/12	Attachment

Sec. 10-4. - Hours when sale prohibited; half-hour closing period.

It shall be unlawful for any person to sell, consume, serve, or permit to be served or consumed, any alcoholic beverages, except as otherwise listed herein, at any licensed premises except between and during the following hours:

- (a) Monday through Saturday, from 7:00 a.m. until 2:00 a.m. the following morning.
- (b) Sunday, from 1:00 p.m. until 12:00 midnight.
- (c) New Year's Eve, if falling on a day Monday through Saturday, from 7:00 a.m. until 4:00 a.m. the following morning.
- (d) New Year's Eve, if falling on a Sunday, from 1:00 p.m. until 4:00 a.m. the following morning.

Exception: Any licensee for on-premise consumption shall have a period of 30 minutes, from the time sales of alcoholic beverages are required under this section to cease, during which consumption of alcoholic beverages may continue and within which to clear his licensed place of business of all customers and persons, but in no event shall alcoholic beverages be sold in such licensed premises after the time sales of alcoholic beverages are required under this section to cease.

(Ord. No. 05-07, § 1, 2-10-2005)

- City of Palatka
Code

- Hours when alcohol
sales prohibited

Chapter 4 - ALCOHOLIC BEVERAGES^[1]*Putnam Co. Code*

Footnotes:

— (1) —

State Law reference— *Alcoholic beverages, F.S. chs. 561—568; general authority relative to alcoholic beverages, F.S. §§ 562.14, 562.45.*

Sec. 4-1. - Closing hours; vacation of premises.

- (a) The daily hour of closing for all vendors engaged in the sale or dispensing of alcoholic beverages for consumption on the premises in the unincorporated area of the county is hereby set and declared to be 12:00 midnight; provided, however, that closing hours for Fridays, Saturdays and New Year's Eve shall be extended until 2:00 a.m. No vendor shall open or reopen for business before 7:00 a.m. daily or 12:00 noon on Sundays.
- (b) Within a period of 30 minutes following the closing hour set forth in subsection (a) of this section, all customers, patrons and guests shall vacate the premises of the vendor. Alcoholic beverages shall not be served to, consumed by or in the possession of, any person on said premises after this 30-minute period.
- (c) Loitering, as contemplated by F.S. § 856.021, shall be prohibited on the premises of the vendor at all times.
- (d) Any vendor convicted hereunder shall be referred to the state division of beverage for consideration of suspension or revocation of license as provided by law.
- (e) It is the specific intent of the board of county commissioners that this chapter be enforced by the appropriate state and local law enforcement officers and all violations hereof referred to the office of the state attorney for prosecution.

(Ord. No. 2008-11, § 1, 4-22-2008)

State Law reference— *Local regulation of closing hours of establishments selling alcoholic beverages, F.S. § 562.14.*

Complete Palatka Code

Chapter 10 - ALCOHOLIC BEVERAGES^[1]

Ch. 10 - Alcoholic Bev.

Footnotes:

-- (1) --

Editor's note—Section 1 of Ord. No. 05-07, adopted Feb. 10, 2005, amended ch. 10 in its entirety to read as herein set out. Former ch. 10 pertained to similar subject matter and derived from §§ 4-1—4-4 of the 1981 Code.

Cross reference— Alcoholic beverages in parks, § 50-39; intoxication in parks, § 50-40.

State Law reference— Municipal Home Rules Powers Act, F.S. § 166.011 et seq.; beverage control laws, F.S. ch. 561 et seq.

Sec. 10-1. - Scope and applicability.

- (a) This chapter shall apply to all licensees and licensed premises located within the city limits of the City of Palatka.
- (b) For purposes of this chapter, section 10-3, location restrictions, shall not apply to established licensed premises, religious institutions, or schools, in existence as of the effective date of this chapter, which shall be considered grandfathered to the distance requirements contained herein and shall be allowed to continue, be expanded at that location, or replaced if destroyed or substantially damaged without regard to the location restrictions as contained in this chapter, but shall otherwise comply with this chapter as adopted by ordinance. An established licensed premises, religious institution, or school that does not meet the location restrictions as listed in this chapter shall be grandfathered; however, should a grandfathered licensed premises, religious institution, or school cease operations for a period of one year or more, then the licensed premises, religious institution, or school shall not be recommenced except in conformance with the location restrictions included in this chapter. For purposes of this subsection, a change in ownership of an established licensed premises shall not invalidate the grandfathered status conferred by this subsection so long as operations do not cease for a period of one year or more.
- (c) For purposes of this chapter, section 10-4, hours when sale prohibited; half-hour closing period, shall apply to all licensees and licensed premises within the city limits of the City of Palatka.
- (d) All licensees and licensed premises licensed by the state and by the city, and all other business establishments, shall comply with all laws of the state and all rules and regulations promulgated by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation in the conduct and operation of their respective businesses, and the Beverage Law, as amended, are hereby adopted by reference and made a part of this Code. The provisions of such chapters shall be complied with by all persons to the same extent as though such provisions were set forth in full in this chapter, except where such provisions may be in conflict with other provisions of this chapter. To the extent of conflict or inapplicability to the city, such provisions shall be disregarded.

(Ord. No. 05-07, § 1, 2-10-2005)

Sec. 10-2. - Definitions.

For purposes of this chapter, the following definitions shall apply:

Alcoholic beverages means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.

The Beverage Law means F.S. chs. 561, 562, 563, 564, 565, 567, and 568.

Bottle club means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held, bona fide restaurants licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation whose primary business is the service of full course meals, or hotels and motels licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

Licensed premises means not only rooms where alcoholic beverages are stored or sold by the licensee, but also all other rooms in the building which are so closely connected therewith as to admit free passage from drink parlor to other rooms over which the licensee has some dominion or control. Licensed premises shall also include any outside area shown on a sketch submitted to and approved by the city for purposes of licensing by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation. For purposes of this chapter, "licensed premises" shall include, but not be limited to, bottle clubs, bars, taverns, restaurants (as herein defined and when licensed by the Division of Alcoholic Beverages and Tobacco for the sale of alcoholic beverages), and all other licensees of the Division of Alcoholic Beverages and Tobacco.

Licensee means a legal or business entity, person, or persons that hold a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation and meet the qualifications set forth in F.S. § 561.15.

Open container means any bottle, can, glass, cup or other vessel, other than the original unbroken sealed container, containing an alcoholic beverage.

Religious institution means churches and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

Restaurant means an establishment licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation or a business that does not otherwise qualify for a special license, but nevertheless derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages and has a city occupational license as a restaurant.

Sale, sell and vend mean any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the Beverage Law.

School means a public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

Any definitions omitted from this section shall be as otherwise defined within the Beverage Law of the State of Florida.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-3. - Location restrictions.

For purposes of this subsection, all distances shall be measured from the nearest property line to nearest property line. The following location restrictions shall apply:

- (a) A licensed premises shall not locate within 300 feet of any established religious institution or school provided, however, that a licensed premises may be granted a conditional use to locate within 300 feet of any established religious institution or school.
- (b) A religious institution or school shall not locate within 300 feet of any established licensed premises provided, however, that a religious institution or school may be granted a conditional use to locate within 300 feet of any established licensed premises.
- (c) A licensed premises shall not locate within 300 feet of any established licensed premises provided, however, that a licensed premises may be granted a conditional use to locate within 300 feet of any established licensed premises.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-4. - Hours when sale prohibited; half-hour closing period.

It shall be unlawful for any person to sell, consume, serve, or permit to be served or consumed, any alcoholic beverages, except as otherwise listed herein, at any licensed premises except between and during the following hours:

- (a) Monday through Saturday, from 7:00 a.m. until 2:00 a.m. the following morning.
- (b) Sunday, from 1:00 p.m. until 12:00 midnight.
- (c) New Year's Eve, if falling on a day Monday through Saturday, from 7:00 a.m. until 4:00 a.m. the following morning.
- (d) New Year's Eve, if falling on a Sunday, from 1:00 p.m. until 4:00 a.m. the following morning.

Exception: Any licensee for on-premise consumption shall have a period of 30 minutes, from the time sales of alcoholic beverages are required under this section to cease, during which consumption of alcoholic beverages may continue and within which to clear his licensed place of business of all customers and persons, but in no event shall alcoholic beverages be sold in such licensed premises after the time sales of alcoholic beverages are required under this section to cease.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-5. - Premises of licensees to be closed during designated hours; exceptions.

A licensed premises for on-premises consumption shall be and remain securely closed between the hours of 12:30 a.m. and 7:00 a.m. Monday, 2:30 a.m. and 7:00 a.m. Tuesday through Saturday, 2:30 a.m. and 1:00 p.m. Sunday, and between the hours of 4:30 a.m. and 7:00 a.m. or 1:00 p.m. (as applicable) on New Year's Day, and no person shall be permitted therein for any purpose whatsoever during such closed period, except regular employees of the licensee may be permitted therein for the purpose of cleaning up the premises only; provided that any person engaged primarily in a business other than that of licensed premises for on-premises consumption of alcoholic beverages on the same premises shall be allowed to

keep open that portion of the premises not devoted to or used for the sale of alcoholic beverages for on-premises consumption upon securely screening all alcoholic beverages upon the premises from public view.

(Ord. No. 05-07, § 1, 2-10-2005)

Sec. 10-6. - Consumption or possession in certain public and private places.

- (a) It shall be unlawful for any person to consume or have in their possession any alcoholic beverage in any public park or recreation area, or on any public school property, or within any public building in the city; provided, however, this prohibition shall not apply to the buildings located on the premises of the municipal golf course, Ravine Gardens State Park, Riverfront Park, St. Johns River Center, Bronson-Mulholland House, Price-Martin Community Center, Larimer Arts Center, Tilghman House, Chamber of Commerce building, and Palatka Municipal Airport, when the alcoholic beverages are possessed or are being consumed thereon with the consent of the person, group or organization lawfully in charge of the excepted premises and in compliance with any applicable provisions of the Beverage Law.
- (b) It shall be unlawful for any person to consume or have in their possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk or alley or on any publicly-owned parking facility within the city; nor shall any person, except the owner or person placed in charge by the owner, consume or have in their possession any alcoholic beverages in an open container on any private property unless such person is a lawful guest and has the consent of the owner or person in charge of such private property.
- (c) It shall be unlawful for any person to consume or have in their possession any alcoholic beverages in any open container while seated in a vehicle in any of the places identified in subsections (a) and (b) of this section.
- (d) The city commission may grant special permission for the sale, consumption or possession of alcoholic beverages in open containers during special events within defined areas of any public park, recreation area, street, sidewalk or public parking facility and for specific times.
- (e) For licensed premises including on-premise consumption, such licensed premises shall include all of the area embraced within the sketch submitted as part of an initial or renewal application for a license issued by the division of alcoholic beverages and tobacco, where such sketch appears on or is attached to the application for the license involved and designated as such on said sketch, in addition to that area included or designated by general law. When the area embraced within the sketch includes an outside area, access to such outside area shall be limited in such a fashion so as to prevent and prohibit access to the establishment by underage persons for purposes of subverting identification checkpoints or similar measures in place at the licensed premises. Additionally, any outside area shall be screened or fenced in such a manner so as to prevent the exchange of alcoholic beverages between those persons within the outside area and those beyond the outside area as shown on the sketch for the licensed premises. The city's planning director will review all applications for compliance with this requirement prior to the issuance of any approval for a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.
- (f) No owner of a bottle club nor his agents, servants, employees, or any other person or persons using the premises with the owner's knowledge and consent shall permit alcoholic beverages to be served to minors; in addition, no owner of a bottle club nor his agents, servants, employees or any other person or persons using the premises with the owner's knowledge and consent shall permit

prostitution or solicitation of prostitution on a premises operated as a bottle club, permit gambling or solicitation of gambling on the premises, permit the premises to be operated as a disorderly place or public nuisance, or permit therein a violation of any city ordinance regulating moral decency, specifically chapter 3 (adult entertainment establishments) and division 2 (public nudity) of article III (offenses against public morals) of chapter 46 (offenses and miscellaneous provisions).

(Ord. No. 05-07, § I, 2-10-2005; Ord. No. 11-58, § 1, 10-13-2011; Ord. No. 15-12, § 1, 5-28-2015)

Sec. 10-7. - Penalties; injunctive relief.

- (a) A person convicted of a violation of this chapter shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days or any combination thereof. With respect to violations of this chapter that are continuous with respect to time, each day the violation continues is a separate offense.
- (b) Licensed premises that are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for abatement.
- (c) Nothing contained herein shall prevent the city or any division thereof from seeking appropriate disciplinary or punitive action related to any licensee or licensed premises as licensed by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation, the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation, or any other licensing authority as applicable.

(Ord. No. 05-07, § I, 2-10-2005)

This instrument prepared by:
Adam Mengel
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 05-07

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING AND REPLACING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA; TO AMEND THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO ALCOHOLIC BEVERAGES; PROVIDING FOR SCOPE AND APPLICABILITY; PROVIDING FOR MEASUREMENT OF DISTANCE; PROVIDING FOR CLOSING HOURS; PROVIDING FOR VACATION OF PREMISES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Palatka includes specific provisions related to the sale and consumption of alcoholic beverages within the City limits; and,

WHEREAS, the current provisions related to the sale and consumption of alcoholic beverages within the City limits permit the unrestricted sale of beer and wine for consumption on premises within restaurants; and,

WHEREAS, due to irregular City limit boundaries and ambiguous definitions, enforcement of these provisions is difficult and inconsistent; and,

WHEREAS, the citizens of Palatka seek to amend the provisions of the Municipal Code related to alcoholic beverages.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA:

SECTION I. That Chapter 10, Alcoholic Beverages, of the Palatka Municipal Code be amended to read as follows:

Sec. 10-1. Scope and applicability.

- (a) This chapter shall apply to all licensees and licensed premises located within the city limits of the City of Palatka.
- (b) For purposes of this ordinance, Ordinance No. 05-07, Section 10-3, Location restrictions, shall not apply to established licensed premises, religious institutions, or schools, in existence as of the effective date of this ordinance, which shall be

considered grandfathered to the distance requirements contained herein and shall be allowed to continue, be expanded at that location, or replaced if destroyed or substantially damaged without regard to the location restrictions as contained in this chapter, but shall otherwise comply with this chapter as adopted by ordinance. An established licensed premises, religious institution, or school that does not meet the location restrictions as listed in this chapter shall be grandfathered; however, should a grandfathered licensed premises, religious institution, or school cease operations for a period of one (1) year or more, then the licensed premises, religious institution, or school shall not be recommenced except in conformance with the location restrictions included in this chapter. For purposes of this subsection, a change in ownership of an established licensed premises shall not invalidate the grandfathered status conferred by this subsection so long as operations do not cease for a period of one (1) year or more.

- (c) For purposes of this ordinance, Ordinance No. 05-___, Section 10-4, Hours when sale prohibited; half-hour closing period, shall apply to all licensees and licensed premises within the city limits of the City of Palatka.
- (d) All licensees and licensed premises licensed by the state and by the city, and all other business establishments, shall comply with all laws of the state and all rules and regulations promulgated by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation in the conduct and operation of their respective businesses, and the Beverage Law, as amended, are hereby adopted by reference and made a part of this Code. The provisions of such chapters shall be complied with by all persons to the same extent as though such provisions were set forth in full in this chapter, except where such provisions may be in conflict with other provisions of this chapter. To the extent of conflict or inapplicability to the city, such provisions shall be disregarded.

Sec. 10-2. Definitions.

For purposes of this chapter, the following definitions shall apply:

"Alcoholic beverages" means distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.

"The Beverage Law" means chapters 561, 562, 563, 564, 565, 567, and 568 of Florida Statutes.

"Bottle club" means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or

surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held, bona fide restaurants licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation whose primary business is the service of full course meals, or hotels and motels licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

"Licensed premises" means not only rooms where alcoholic beverages are stored or sold by the licensee, but also all other rooms in the building which are so closely connected therewith as to admit free passage from drink parlor to other rooms over which the licensee has some dominion or control. Licensed premises shall also include any outside area shown on a sketch submitted to and approved by the city for purposes of licensing by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation. For purposes of this chapter, "licensed premises" shall include, but not be limited to, bottle clubs, bars, taverns, restaurants (as herein defined and when licensed by the Division of Alcoholic Beverages and Tobacco for the sale of alcoholic beverages), and all other licensees of the Division of Alcoholic Beverages and Tobacco.

"Licensee" means a legal or business entity, person, or persons that hold a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation and meet the qualifications set forth in s. 561.15, Florida Statutes.

"Open container" means any bottle, can, glass, cup or other vessel, other than the original unbroken sealed container, containing an alcoholic beverage.

"Religious institution" means churches and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

"Restaurant" means an establishment licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation or a business that does not otherwise qualify for a special license, but nevertheless derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages and has a city occupational license as a restaurant.

"Sale", "sell" and "vend" mean any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the Beverage Law.

"School" means a public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

Any definitions omitted from this section shall be as otherwise defined within the Beverage Law of the State of Florida.

Sec. 10-3. Location restrictions.

For purposes of this subsection, all distances shall be measured from the nearest property line to nearest property line. The following location restrictions shall apply:

- (a) A licensed premises shall not locate within 300 feet of any established religious institution or school provided, however, that a licensed premises may be granted a Conditional Use to locate within 300 feet of any established religious institution or school.
- (b) A religious institution or school shall not locate within 300 feet of any established licensed premises provided, however, that a religious institution or school may be granted a Conditional Use to locate within 300 feet of any established licensed premises.
- (c) A licensed premises shall not locate within 300 feet of any established licensed premises provided, however, that a licensed premises may be granted a Conditional Use to locate within 300 feet of any established licensed premises.

Sec. 10-4. Hours when sale prohibited; half-hour closing period.

It shall be unlawful for any person to sell, consume, serve, or permit to be served or consumed, any alcoholic beverages, except as otherwise listed herein, at any licensed premises except between and during the following hours:

- (a) Monday through Saturday, from 7:00 a.m. until 2:00 a.m. the following morning.
- (b) Sunday, from 1:00 p.m. until 12:00 midnight.
- (c) New Year's Eve, if falling on a day Monday through Saturday, from 7:00 a.m. until 4:00 a.m. the following morning.
- (d) New Year's Eve, if falling on a Sunday, from 1:00 p.m. until 4:00 a.m. the following morning.

Exception: Any licensee for on-premise consumption shall have a period of 30 minutes, from the time sales of alcoholic beverages are required under this section to cease, during which consumption of alcoholic beverages may continue and within which to clear his licensed place of business of all customers and persons, but in no event shall alcoholic beverages be sold in such licensed premises after the time sales of alcoholic beverages are required under this section to cease.

Sec. 10-5. Premises of licensees to be closed during designated hours; exceptions.

A licensed premises for on-premise consumption shall be and remain securely closed between the hours of 12:30 a.m. and 7:00 a.m. Monday, 2:30 a.m. and 7:00 a.m. Tuesday through Saturday, 2:30 a.m. and 1:00 p.m. Sunday, and between the hours of 4:30 a.m. and 7:00 a.m. or 1:00 p.m. (as applicable) on New Year's Day, and no person shall be permitted therein for any purpose whatsoever during such closed period, except regular employees of the licensee may be permitted therein for the purpose of cleaning up the premises only; provided that any person engaged primarily in a business other than that of licensed premises for on-premise consumption of alcoholic beverages on the same premises shall be allowed to keep open that portion of the premises not devoted to or used for the sale of alcoholic beverages for on-premise consumption upon securely screening all alcoholic beverages upon the premises from public view.

Sec. 10-6. Consumption or possession in certain public and private places.

- (a) It shall be unlawful for any person to consume or have in their possession any alcoholic beverage in any public park or recreation area, or on any public school property, or within any public building in the city; provided, however, this prohibition shall not apply to the buildings located on the premises of the municipal golf course, Ravine Gardens State Park, Bronson-Mulholland House, Price-Martin Community Center, Larimer Arts Center, Tilghman House, Chamber of Commerce building, and Palatka Municipal Airport, when the alcoholic beverages are possessed or are being consumed thereon with the consent of the person, group or organization lawfully in charge of the excepted premises and in compliance with any applicable provisions of the Beverage Law.
- (b) It shall be unlawful for any person to consume or have in their possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk or alley or on any publicly-owned parking facility within the city; nor shall any person, except the owner or person placed in charge by the owner, consume or have in their possession any alcoholic beverages in an open container on any private property unless such person is a lawful guest and has the consent of the owner or person in charge of such private property.
- (c) It shall be unlawful for any person to consume or have in their possession any alcoholic beverages in any open container while seated in a vehicle in any of the places identified in subsections (a) and (b) of this section.
- (d) The city commission may grant special permission for the sale, consumption or possession of alcoholic beverages in open containers during special events within defined areas of any public park, recreation area, street, sidewalk or public parking facility and for specific times.

- (e) For licensed premises including on-premise consumption, such licensed premises shall include all of the area embraced within the sketch submitted as part of an initial or renewal application for a license issued by the Division of Alcoholic Beverages and Tobacco, where such sketch appears on or is attached to the application for the license involved and designated as such on said sketch, in addition to that area included or designated by general law. When the area embraced within the sketch includes an outside area, access to such outside area shall be limited in such a fashion so as to prevent and prohibit access to the establishment by underage persons for purposes of subverting identification checkpoints or similar measures in place at the licensed premises. Additionally, any outside area shall be screened or fenced in such a manner so as to prevent the exchange of alcoholic beverages between those persons within the outside area and those beyond the outside area as shown on the sketch for the licensed premises. The City's Zoning Administrator will review all applications for compliance with this requirement prior to the issuance of any approval for a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.
- (f) No owner of a bottle club nor his agents, servants, employees, or any other person or persons using the premises with the owner's knowledge and consent shall permit alcoholic beverages to be served to minors; in addition, no owner of a bottle club nor his agents, servants, employees or any other person or persons using the premises with the owner's knowledge and consent shall permit prostitution or solicitation of prostitution on a premises operated as a bottle club, permit gambling or solicitation of gambling on the premises, permit the premises to be operated as a disorderly place or public nuisance, or permit therein a violation of any city ordinance regulating moral decency, specifically Chapter 3 (Adult Entertainment Establishments) and Division 2 (Public Nudity) of Article III (Offenses Against Public Morals) of Chapter 46 (Offenses and Miscellaneous Provisions).

Sec. 10-7. Penalties; injunctive relief.

- (a) A person convicted of a violation of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or any combination thereof. With respect to violations of this chapter that are continuous with respect to time, each day the violation continues is a separate offense.
- (b) Licensed premises that are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for abatement.
- (c) Nothing contained herein shall prevent the city or any division thereof from seeking appropriate disciplinary

or punitive action related to any licensee or licensed premises as licensed by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation, the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation, or any other licensing authority as applicable.

SECTION II. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION III. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV. This ordinance shall take effect on March 10, 2005.

SECTION V. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 10th day of February, 2005.

CITY OF PALATKA

BY: _____
Its Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

City Attorney

Minutes – City Commission April 14, 2016 meeting re Alcohol Sales/Consumption:

7. **DISCUSSION** – Sunday Morning Alcohol Sales – Mayor Hill said he asked to have this conversation with the Commission. He opened the floor for public comments.

Allegra Kitchens, 1027 S.12th Street, said the current ordinance works. The County also doesn't allow alcohol sales on Sunday morning, except they are allowed at noon and the City allows sales to begin at 1:00 pm. She asked that the PD do a study showing the effect of extra hours of alcohol service.

Mayor Hill said merchants and citizens have expressed concern as to why alcohol sales are not permitted on Sunday morning. People can purchase alcohol beginning at 7 am Monday through Saturday but must wait until 1 pm on Sunday. It looks as though the purpose of the restriction is based upon religious objection. He was aware of the conversations that took place when this was adopted. They have churches that have services on Saturday, but there is no prohibition on Saturday. They need to look at the law to determine if there is a need to restrict Sunday alcohol sales. The climate here is far different than it was in 2005. They need to look at this from a safety perspective. Cutting sales off at 2 am is a good thing. He is leery about the sales restriction on Sunday alone. Merchants in the community that sell alcohol depend upon those sales, and restaurants would like to sell simple beverages like mimosas and Bloody Marys. He has a listing of the DUI's the City has issued since 2010. They have had 77 DUIs since 2010, which are heightened during holidays. None of those take place when there are extensions on alcohol sales such as on New Year's Eve. They need additional collection and reporting as to whether or not there is a safety issue with selling alcohol at 7 am on Sundays as opposed to all other days. Merchants situated within the city limits find themselves in a far worse position than anyone, as an individual can make a purchase in the County and come back into the city to consume it. If they have to drive further to get it, that's the worst thing they can do. He does not recall, in 17 years of practicing criminal law, a client with a DUI between 7 am and 1 pm on Sunday. This is a new day and age, and they need to be conscious of separating Church and State, and legislating morality to the detriment of churches and economic growth. This is about affecting the rights of citizens. This is not an attack on churches. They don't want to interfere with anyone's right to congregate and worship. They do want to look at having more progressive laws in place. Commissioner Borom said he is in favor of moving forward on changes.

Allegra Kitchens, 1027 S. 12th Street, said they can legislate morality, or things like murder and rape wouldn't be against the law. If people are inebriated and coming out of establishments when church is letting out, they will be doing what drunken people do in front of children. This is an issue of safety. This is not hurting the merchants. She suggests allowing merchants to sell closed containers of alcohol but not allowing restaurants and bars to serve it.

Commissioner Norwood said this ordinance was put in place to address individuals coming from other counties to drink here after 2 am on weekends, and to address improprieties that were happening to downtown businesses. There were a lot of calls for service at the time. He has no problem with allowing people to sell closed containers on Sunday morning. They have to make business operations

fair throughout the County. The City should align with the County. He does not want this to be about the City being able to sell alcohol at the golf course, but private businesses not being allowed to do it.

Discussion ensued on hours of sales and the purpose of putting the 2005 ordinance in place, which was mainly intended to stop weekend open container alcohol sales after 2:00 a.m. at certain establishments. Mayor Hill said he sees no difference in times of alcohol sales from Monday thru Saturday and Sunday. There were a lot of ordinances that were put in place based upon inflated statistics. They need to weigh the benefit against the deficits.

Askew Vickers, 207 N. 18th Street, said he appreciates Mayor Hill's comments and agrees that the statistics that were presented to the Commission were inflated. As to the security controls he had in place, Chief Getchell took them away when he put an end to allowing the hiring off duty officers for security work. They had no issues when he was able to hire police officers for special duty security.

Zinnie Bess, 200 Hayes Street, Interlachen, said alcohol is a drug and creates mental health issues and accidents.

Joseph Petrucci, 905 Tierra Woods Drive, concurred with Mayor Hill's assessment and believes that this was put in place because of people objecting to alcohol consumption while church services are in progress. Alcohol sales boost entertainment sales. Sunday morning sales do make a difference in restaurant and merchant sales. It is an unnecessary restriction. Church participation goes on all week long.

Jacob Spells, 5019 Crill Avenue, said anyone can go into the County and buy alcohol at 7 am on Sunday morning and bring it back into the City. They need uniformity.

Sharon Kilgore, 200 James Street, said no one should drink on Sunday.

Chief Shaw was directed to compile stats on alcohol related crimes from 2005 coming forward, and to perform an independent analysis of those 2005 studies to determine whether they have issues with DUIs or alcohol related crimes on Sunday morning or any other morning. Commissioner Campbell asked the Clerk to pull minutes from meetings when the 2005 ordinance was discussed and adopted, and have them distributed for reference. Discussion ensued as to the purpose of putting the 2005 ordinance in place, as to whether it was adopted to stop alcohol sales/consumption at bar/restaurants between the hours of 2 am and 5 am on weekends, or to address alcohol-related issues on Sunday mornings between the hours of 7 am and 1 pm. Chief Shaw was directed to include stats on alcohol related calls from 7 am to 1 pm on all mornings of the week from 2004 coming forward.

There was Commission consensus to revisit this matter at its May 12th meeting.

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**Minutes – City Commission, May 12, 2016 meeting re Alcohol Sales/Consumption:**

13. **DISCUSSION** – Hours of Alcohol Sales (continued from 4/14/16) – Mayor Hill asked Chief Shaw to provide them with the data requested on April 14<sup>th</sup>.

Police Chief Jason Shaw said from 2010 to 2016, overall, reports of incidents on Sunday morning have declined from 44 calls for service to less than 5 calls for service during that time period. More so on DUIs, for a total of 77 DUIs, 15 occurred on Sunday, with 2 from 7 am to 1 pm. As to other alcohol calls for service, over that six year period there were 52 calls for service, 5 on Sunday, none from 7 am to 1 pm. As for Disorderly intoxication calls, there were 47 calls for service, 7 on Sundays, none from 7 am to 1 pm. There were very few calls for service during the 7 am to 1 pm time frame and very few in the period prior to 2004. The trend is the same throughout. Alcoholic related calls were lower than overall calls for service, and lower than other days throughout the week. There were a significantly higher number of nightclubs prior to 2004. During 7 am to 1 pm there were slim to no DUIs. From 2 to 4 am there was a higher rate of DUIs.

Chief Shaw noted that when reviewing data prior to 2004, he found no discrepancies in the data, but did see a wide range of data that was provided to the Commission. The calls were from different reasons other than alcohol. He didn't see discrepancies but he did see other calls for service being brought into the picture. Mayor Hill asked should the Commission desire to modify this ordinance, if there anything that causes him concern with matching the County's ordinance? Chief Shaw said it is easier to make it uniform across the County for enforcement purposes. Just because something happens in Palatka, doesn't mean the alcohol is purchased in Palatka. It would be easier for citizens if it is uniform across the board. They found with the current alcohol ordinance in place, the total calls for service has declined tremendously. As to whether or not it is related to alcohol itself, he can't say, but with this 2005 ordinance in effect, the calls have declined tremendously. The ordinance has shown positive results. It is his recommendation to make the hours of sales uniform county-wide. You can purchase alcohol outside the City during times you can't purchase alcohol inside the City. This would not negatively affect calls for service. Mirroring the County would benefit both the City and County.

Mayor Hill said this may create some controversy. He believes this should be the topic of one or more Town Hall meetings to provide them an opportunity to take public input on the matter. There was general consensus to set a Town Hall meeting for action within the month. Mayor Hill suggested they take the workshop into the community. There was consensus was to hold a Workshop/Town Hall meeting at Price Martin Center, to meet with merchants in general, and to meet with churches and clergy in a separate forum. There was also discussion regarding the involvement of community partners such as the hospital and other community groups as well as those who sell alcohol. They will meet in different areas within the next 30 days and find entities that will host the meetings, which should begin at 6:00 p.m. to encourage participation.

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