

Chapter 4 - ALCOHOLIC BEVERAGES⁽¹⁾

Footnotes:

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Cross reference— Code enforcement, § 2-181 et seq.

State Law reference— Alcoholic beverages, F.S. § 561.01 et seq.

Sec. 4-1. - Definitions.

(a) Except as otherwise defined in this section, the words, terms and phrases used in this chapter shall have the meanings ascribed to them in F.S. § 561.01 et seq., the Alcoholic Beverage Law, except where the context clearly indicates a different meaning.

(b) The following terms, for purposes of this chapter, shall have the meanings given in this section:

Nightclub means a restaurant, dining room or other establishment where intoxicating liquor is sold, given away or consumed on the premises, and where floor shows or other forms of entertainment are provided for guests at any time between the hours of midnight and 7:00 a.m.

(Code 1974, § 4-1)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 4-2. - Presumption of sale.

The possession by a person licensed by the state in his place of business of beverages containing more than one percent of alcohol by weight not permitted to be sold by such person under this chapter, shall be prima facie evidence that such beverages are being sold by such person.

(Code 1974, § 4-14)

Sec. 4-3. - Sale prohibited in filling stations, theaters; sales near churches, schools.

(a) No liquor, beer or wine shall be sold in any gasoline filling station or motion picture theater, including any room opening directly or indirectly into or having a direct connection with any motion picture theater.

(b) No liquor, beer or wine shall be sold within 300 feet of any church, nor within 300 feet of any public school property, nor any property upon which there is maintained a private school operated for the instruction of minors in the common branches of learning, except at restaurants which qualify for an SRX license, 2COP license or 4COP license or their equivalents and such places of business as were established at the time of the adoption of this section. In ascertaining the proximity of any school or church referred to in this subsection, the method of measurement shall be made or taken from the main or front entrance of the church or school or the main or front place of such business along the route of ordinary pedestrian traffic along the public thoroughfare.

(Code 1974, § 4-3)

Cross reference— Code enforcement, § 2-181 et seq.; zoning, ch. 21.

State Law reference— Authority of cities and towns to adopt regulations restricting places of business, F.S. § 562.14.

Sec. 4-4. - Hours of sale.

(a) Generally.

- (1) No vendor, except Nightclubs, shall sell or offer for sale, or deliver, serve or permit to be consumed upon the premises of such vendor any liquor, beer or wine on any day between the hours of 2:00 a.m. and 7:00 a.m., except on January 1 of each year. No vendor shall sell or offer for sale or deliver any liquor or wine by the package, bottle or container at any hour on Sunday or on any weekday between 2:00 a.m. and 7:00 a.m., except on January 1 of each year.
- (2) Every vendor, except Nightclubs licensed under state law, shall close and keep closed his place of business and shall not allow customers to remain therein during the hours in which sales are prohibited.
- (3) Vendors may sell or offer for sale or deliver, serve or permit to be consumed upon the premises of such vendor any liquor, beer or wine on January 1 of each year between the hours of 2:00 a.m. and 5:00 a.m.

(b) Nightclubs. No Nightclub shall admit customers to its premises or sell or offer for sale or deliver or serve any liquor, beer or wine on any day between the hours of 5:00 a.m. and 11:00 a.m., except on January 1 of each year. Every Nightclub, except on January 1 of any year, shall close and keep closed its place of business and shall not allow customers to remain therein at any time on any day between the hours of 6:00 a.m. and 11:00 a.m.

(Code 1974, § 4-10)

Cross reference— Code enforcement, § 2-181 et seq.