

1 **ORDINANCE SUMMARY**

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3 The purpose of this Ordinance is to amend Lake County’s policies regarding possession, sale and
4 consumption of alcoholic beverages in County Owned facilities.

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6 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to
7 existing Code sections. Renumbering and/or relettering were added as needed.

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10 **ORDINANCE 2014 – _____**

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13 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
14 **LAKE COUNTY, FLORIDA; CREATING SECTION 3-7, ARTICLE II**
15 **CHAPTER 3, LAKE COUNTY CODE, TO BE ENTITLED “POSSESSION,**
16 **SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN**
17 **COUNTY OWNED FACILITIES”;** **AMENDING SECTION 16-7,**
18 **ARTICLE I CHAPTER 16, LAKE COUNTY CODE, ENTITLED**
19 **“CONSUMPTION OF ALCOHOLIC BEVERAGES”;** **ALLOWING**
20 **ALCOHOLIC BEVERAGES AT THE LAKE COUNTY FAIRGROUNDS,**
21 **OR IN COUNTY OWNED FACILITIES WITH BOARD APPROVAL;**
22 **PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN**
23 **THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF**
24 **STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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27 **WHEREAS,** the Lake County Board of County Commissioners own and operate the
28 Lake County Fairgrounds, parts of which are regularly rented to citizens for private events; and
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30 **WHEREAS,** Lake County policies and practices have allowed the possession, sale and
31 consumption of alcoholic beverages at the Lake County Fairgrounds in connection with such
32 private use; and
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34 **WHEREAS,** the Lake County Board of County Commissioners own and operate other
35 facilities which from time to time may be subject to a lease or use agreement which may allow
36 the possession, sale or consumption of alcoholic beverages at such sites; and
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38 **WHEREAS,** the Board of County Commissioners wishes to have clear guidelines as to
39 when it may be possible to possess, sell or consume alcoholic beverages on County Owned
40 properties.
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42 **NOW, THEREFORE, BE IT ORDAINED** by The Board of County Commissioners,
43 Lake County, Florida, as follows:

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2 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
3 herein by reference.

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5 **Section 2. Amendment.** Section 3-7 of Chapter 3, Article II the Lake County Code
6 is created to read as follows:
7

8 **Sec. 3-7. Possession, Sale and Consumption of Alcoholic Beverages in County Owned**
9 **facilities.**

10 (a) For purposes of this section, County Owned Facilities shall include all property and
11 buildings owned and/or operated by the Lake County Board of County Commissioners.
12 It does not include road rights of way under the control of the Board of County
13 Commissioners.

14 a. The possession, sale and/or consumption of alcoholic beverages are prohibited in
15 or on County Owned Facilities except in the following instances:

16 i. Such possession, sale or consumption occurs at a Board of County
17 Commissioners' sponsored function and has been authorized by the Board
18 of County Commissioners.

19 ii. Such possession, sale or consumption occurs at either (a) the Lake County
20 Fairgrounds or (b) such other County Owned Facility which has been
21 leased or is subject to a use agreement where such lease or use agreement
22 for such other County Owned Facility specifically allows for such
23 possession, sale or consumption. In either case the following conditions
24 must be met:

25 1. The alcoholic beverages must be dispensed by a person or entity
26 holding a beverage license from the State of Florida who has and
27 provides proof of having a liquor liability insurance policy.

28 2. The applicant shall provide one (1) sworn law enforcement officer
29 as security for each two hundred and fifty (250) persons attending
30 the event. In the event the event is located within a municipality,
31 regulations of the municipality shall be met if they are greater than
32 stated herein.

33 3. The applicant must provide liquor host liability insurance naming
34 Lake County as an additional insured, and provide certificates of
35 such insurance in the amount and form acceptable to the County
36 Manager or designee.

37 4. For any activity which meets the definition of Special Event as
38 provided in s. 13-146 of the Lake County Code, a Special Event
39 Permit shall be obtained. This requirement shall apply whether the
40 County Owned Facility is located in the unincorporated area of the
41 County or in a municipality.

42 b. This section does not apply to possession of unopened containers of alcoholic
43 beverages located inside vehicles or vessels at any County boat ramp, or
44 unopened containers of alcoholic beverages located inside vehicles at any County
45 Owned parking lot or parking facility. However, this subsection does not

1 | authorize the sale or consumption of alcoholic beverages at such County boat
2 | ramp or other facility and such sale or consumption is strictly prohibited.

3 | **Section 3. Amendment.** Chapter 16, Article I, Section 16-7 (4) is amended to read
4 | as follows:

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6 | (4) ~~Consumption of a~~Alcoholic ~~beverages~~Beverages.

7 | a. It shall be unlawful for any person to purchase, sell or offer for sale, have in his
8 | possession or consume any alcoholic beverages in or on any public playground, public recreation
9 | area or public park unless such sale, possession or consumption takes place at and during an
10 | event ~~for which an alcoholic beverage permit has been issued by the director or~~
11 | ~~designee~~authorized by s. 3-7 of the Lake County Code. All persons entering upon park property
12 | shall consent to a search of the contents of any container which may contain an alcoholic
13 | beverage. Container shall mean any cooler, portable icebox, carrier, luggage, can, bottle, bag or
14 | box which may reasonably be used to contain alcoholic beverages. Purses, handbags and wallets
15 | are specifically exempted from the foregoing definition of "container." This section shall not
16 | apply to possession of unopened containers of alcoholic beverages located inside vehicles or
17 | vessels at any County boat ramp, or unopened containers of alcoholic beverages located inside
18 | vehicles at any County Owned parking lot or parking facility. However, this subsection does not
19 | authorize the sale or consumption of alcoholic beverages at such County boat ramp or other
20 | facility and such sale or consumption is strictly prohibited.

21 | b. Should a law enforcement officer or other person with authority to enforce this section
22 | observe a container over which no person apparently has possession, custody or control, then
23 | such officer may take such container into his possession and deliver it to park staff in charge, or
24 | his designee, to hold until claimed and properly identified, at which time such container shall be
25 | subject to an alcoholic beverage inspection and the claimant of the container may be cited for a
26 | violation of this section if the container is found to contain an alcoholic beverage.

27 | c. Any person refusing to consent to such inspection of a container in his possession,
28 | custody or control shall be denied admittance to a county park. If such person is present in a
29 | county park at the time a demand for such inspection is made and refuses to consent to such
30 | inspection, such person shall be ordered to leave the county park forthwith. Should such person
31 | refuse to leave forthwith, such person shall be deemed in violation of this section.

32 | d. In no event shall division staff attempt to search a container when the owner of such
33 | container has refused such inspection. Division staff shall have authority, however, to ask such
34 | person to immediately leave park property and upon refusal to leave park property, division staff
35 | shall contact a law enforcement officer to trespass the person from park property.

36 | **Section 4. Severability.** If any section, sentence, clause or phrase of the Ordinance
37 | is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
38 | shall in no way affect the validity of the remaining portions of this Ordinance.

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40 | **Section 5. Inclusion in the Code.** It is the intent of the Board of County
41 | Commissioners that the provisions of this Ordinance shall become and be made a part of the
42 | Lake County Code and that the sections of this Ordinance may be renumbered or relettered and

1 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
2 phrase in order to accomplish such intentions.

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4 **Section 6. Filing with the Department of State.** The clerk shall be and is hereby
5 directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of
6 Florida in accordance with Section 125.66, Florida Statutes.

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8 **Section 7. Effective Date.** This Ordinance shall become effective as provided for by
9 law.

10 Enacted this _____ day of _____, 2014.

11 Filed with the Secretary of State _____, 2014.

12
13 ATTEST: BOARD OF COUNTY COMMISSIONERS
14 OF LAKE COUNTY, FLORIDA

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19 _____
20 Neil Kelly, Clerk of the
21 Board of County Commissioners
22 of Lake County, Florida

23 Jimmy Conner, Chairman
24 This _____ day of _____, 2014.

25 Approved to as to form and legality:

26
27
28 _____
29 Sanford A. Minkoff
30 County Attorney