

ORDINANCE 86-40

AN ORDINANCE RELATING TO ESTABLISHMENTS WHICH SELL OR PERMIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THEIR PREMISES; DEFINING ALCOHOLIC BEVERAGES; DEFINING ESTABLISHMENTS DEALING IN ALCOHOLIC BEVERAGES; PROVIDING FOR OPENING AND CLOSING HOURS OF SUCH ESTABLISHMENTS DEALING IN ALCOHOLIC BEVERAGES; REPEALING ORDINANCE 78-7; PROVIDING PENALTIES FOR VIOLATING THIS ORDINANCE PROVIDING AN EFFECTIVE DATE

SECRETARY OF STATE

NOV 25 10 13 AM '86

FILED

WHEREAS, pursuant to Section 125.01 and Section 562.14, Florida Statutes, the Board of County Commissioners of Manatee County is authorized to independently regulate the hours of sale of alcoholic beverages within the County; and

WHEREAS, the Board of County Commissioners of Manatee County in Ordinance 78-7, adopted on November 28, 1978, previously set the hours for sale of alcoholic beverages for holders of State Beverage Licenses between 7:00 A. M. and 2:30 A. M.; and

WHEREAS, commercial establishments and commercial businesses other than those which hold State Beverage Licenses may permit the use and consumption of alcoholic beverages on the premises of said establishments and businesses; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, believes that it would be in the best interest of the health, safety, and welfare of the citizens of Manatee County to regulate the hours and businesses of all those establishments and commercial businesses where alcoholic beverages are used and consumed including those which hold a State Beverage License and those which do not hold such a license.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. Definitions.

A. "Alcoholic beverage" shall mean any spirit, wine, beer, ale or other liquid containing more than one half of one percent (0.5%) of alcohol by volume, which is fit for beverage

"A" Alcoholic Beverages

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purposes; provided, however, this definition does not include any medicine or drugs dispensed by drug stores or prescription shops for medical purposes.

B. "Establishment dealing in alcoholic beverages" shall mean any business or commercial establishment, including those licensed by the State for the sale of alcoholic beverages of any alcoholic content or any bottle club, hotel, motel, restaurant, nightclub, or similar establishment, where a product or article is sold, dispensed, served or provided, with the knowledge, actual or implied, that the same will be, or is intended to be mixed, combined with, or drunk in connection or combination with an alcoholic beverage on the premises of said business or commercial establishments or where facilities are provided for the consumption of alcoholic beverages by its patrons on premises. Notwithstanding the above, private residences and social, fraternal or civic associations or organizations, which only occasionally provide facilities for on-premise consumption of alcoholic beverages for members and their guests and are not licensed to sell alcoholic beverages, shall not be considered an establishment dealing in alcoholic beverages for the purpose of this Ordinance.

Section 2. Hours of Sale.

No establishment dealing in alcoholic beverages in unincorporated Manatee County shall remain open for business, admit the public to remain within, or permit the consumption of alcoholic beverages in or upon such premises between the hours of 2:30 A. M. and 7:00 A. M. of any day; provided, however, in the case of restaurants, hotels and motels, such establishments may be kept open for business during such hours but no alcoholic beverages may be sold or consumed during such hours.

Section 3. Repealing of Ordinance 78-7.

Upon this Ordinance becoming effective, Manatee County Ordinance 78-7 shall be repealed in its entity, and shall not be of further force or effect.

Section 4. Penalties

Any person who violates the provisions of this Ordinance shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00) or to imprisonment for a term not exceeding sixty (60) days for each violation.

Section 5. Effective Date.

This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State of the State of Florida, but not prior to November 1, 1986.

PAST AND DULY ADOPTED with a quorum present and voting this 18th day of November, 1986.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: Edward W. Chance
Vice-Chairman

**ATTEST: R. B. SHORE
CLERK OF CIRCUIT COURT**

BY: R. B. Shore
Deputy Clerk

STATE OF FLORIDA

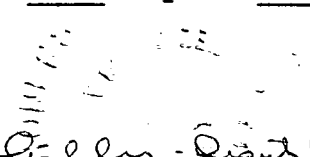
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 18 day of November, 1986.

SUBJECT: MANATEE COUNTY ORDINANCE NO. 86-40

AN ORDINANCE RELATING TO ESTABLISHMENTS WHICH SELL OR PERMIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THEIR PREMISES; DEFINING ALCOHOLIC BEVERAGES; DEFINING ESTABLISHMENTS DEALING IN ALCOHOLIC BEVERAGES; PROVIDING FOR OPENING AND CLOSING HOURS OF SUCH ESTABLISHMENTS DEALING IN ALCOHOLIC BEVERAGES; REPEALING ORDINANCE 78-7; PROVIDING PENALTIES FOR VIOLATING THIS ORDINANCE PROVIDING AN EFFECTIVE DATE

WITNESS My Hand and Official Seal this the 19th day of November, 1986, in Bradenton, Florida.


84: R. B. Shore - Clerk
R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

November 25, 1986

Richard H. Ashley, Chief Deputy Clerk
Clerk of the Circuit Court
Manatee County
P.O. Box 1000
Manatee County Courthouse
Bradenton, Florida 33506

Dear Sir:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of November 19, 1986
and certified copy/ies of Manatee
County Ordinance(s) Nos. 86-40, 86-42 and 86-43
2. Receipt of _____ County Ordinance(s)
relative to:
 - (a) _____
which we have numbered _____
 - (b) _____
which we have numbered _____
3. We have filed this/these ordinance(s) in this office
on November 25, _____ 1986.
4. The original/duplicate copy/ies showing the filing
is/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/

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"A" Alcoholic Beverages (BYOB Clubs)

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FILED FOR RECORDS
96 DEC 27
CLERK OF CIRCUIT COURT
MANATEE COUNTY FLORIDA