

AN ORDINANCE PERTAINING TO THE SALE FOR CONSUMPTION ON THE PREMISES OF BEER, WINE OR OTHER ALCOHOLIC OR INTOXICATING BEVERAGES IN HOLMES COUNTY, FLORIDA; REGULATING THE MINIMUM DISTANCE FROM A CHURCH, SCHOOL OR RESIDENCE THAT ALCOHOLIC BEVERAGES MAY BE SOLD FOR CONSUMPTION ON THE PREMISES; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, as follows:

Section 1: No beer, wine or other alcoholic or intoxicating beverages may be sold for consumption on the premises within 2,000 feet of any church or school.

Section 2: No beer, wine or other alcoholic or intoxicating beverages may be sold for consumption on the premises within 1,000 feet of any residence, except as provided for in Section 4.

Section 3: No beer or other alcoholic or intoxicating beverages may be sold for consumption on the premises within 2,000 feet of any residence, unless all property owners owning property lying outside 1,000 feet and within 2,000 feet of said business, shall consent in writing on a form to be approved by the Board of County Commissioners.

Section 4: In the event a business, which possesses a current and valid Restaurant License issued by the State of Florida Division of Hotels and Restaurants, which serves food prepared on the premises, and which has a seating capacity of at least 15 persons, desires to serve beverages covered by this ordinance, the Board of County Commissioners may grant a waiver of the distance from a residence set forth in Sections 3 and 4 of this ordinance; providing, however, that in no event shall a waiver be granted if a residence is less than 500 feet from said business. Any waiver granted under this section shall only be granted after due notice to all persons living within 1,000 feet of said business has been given, notifying them of the Board of County Commissioners intention to consider said waiver at a time and place stated in the notice. Said notice shall be mailed at least 10 days prior to the action on the waiver.

Section 5: A residence is defined, for the purposes of this Ordinance, as any house or trailer used for residential purposes, and owned by someone other than the applicant.

Section 6: Any persons, firm or corporation violating any of the provisions of this Ordinance, shall upon conviction, be punished by fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail not to exceed sixty(60) days, or by both fine and imprisonment.

Section 7: This Ordinance is enacted pursuant to F.S. 125.66. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8: This Ordinance shall take effect upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that said Ordinance has been filed in said office.

ENACTED this 6th day of July, 1983, in Regular Session.

BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY
FLORIDA:

ATTEST: *Cody York* (SEAL)
Clerk

BY: *Rene Harris*
Chairman

