

APPLICATION TO TOWN OF LAKE PLACID
FOR PERMIT TO DISTRIBUTE ALCOHOLIC BEVERAGE

(1) DATE OF APPLICATION	NAME OF ENTITY APPLYING	NAME OF PARK/ROADWAY WHERE ALCOHOL WILL BE DISTRIBUTED
DATE (s) and HOURS OF INTENDED SERVICE	NAME OF PERMITEE ON FLORIDA BEVERAGE LICENSE PER F.S.S. § 561.15	FLORIDA BEVERAGE LICENSE PERMIT NUMBER (Attach copy of permit)
PERMIT APPLICATION SUBMITTED TO <input type="checkbox"/> MAYOR <input type="checkbox"/> TOWN COUNCIL DATE APPROVED	PERMIT REQUEST REVIEWED BY _____ POLICE _____ TOWN ADMINISTRATION	NAME AND SIGNATURE OF PERSON LEGALLY OFFICIAL TO REPRESENT ENTITY APPLYING _____ Name Printed _____ Signature _____ _____ Address / Phone
(2) Has permittee reviewed and certified that the intended alcohol distribution will comply with Town of Lake Placid Code Chapter 38 - ALCOHOLIC BEVERAGES. INITIAL IF YES _____		(3) Does permittee agree to indemnify the Town of Lake Placid for any injuries or property damages to all parties consuming alcohol served by the permittee at the location and dates and times of this permit where alcohol served is considered to be a contributing factor? INITIAL IF YES _____
Does permittee have insurance to cover such damages described in section (3) ? INITIAL IF YES _____ COPY OF POLICY FURNISHED TO TOWN _____ POLICY COMPANY POLCY # What type of beverages will be served? _____ How customers will be identified? Example: armbands/type of cups (Alcohol not purchased at permittee is not allowed in parks) _____		Does permittee agree to remove all trash if in a park or roadway related to this event? INITIAL IF YES _____ Does permittee agree to abide by all conditions imposed in this application, in state law, and in Town of Lake Placid Code? SIGNATURE IF YES _____ WITNESS _____ WITNESS ADDRESS _____ _____
TOWN USE ONLY APPROVAL BY:		NOTES:

Chapter 38 - ALCOHOLIC BEVERAGES¹¹

Footnotes:

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Editor's note— Ord. No. 14-661, § 1, adopted Jan. 13, 2014, amended ch. 38 in its entirety to read as herein set out. Former ch. 38, §§ 38.1-1—38.1-7, pertained to similar subject matter, and derived from: Ord. No. 94, adopted May 12, 1969; Ord. No. 120, adopted Dec. 11, 1978; Ord. No. 89-173, adopted Sept. 11, 1989; and Ord. No. 174, adopted Apr. 9, 1990; Ord. No. 04-427, adopted Jan. 10, 2005; and Ord. No. 05-452, §§ 1—7, adopted Apr. 11, 2005.

State Law reference— Authority to enact local alcoholic beverage laws, F.S. §§ 562.14, 562.45.

§ 38-1. - Definitions.

- (a) For the purpose of this chapter, the town hereby adopts by reference the definitions set out in F.S. § 561.01.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Permittee means the person or entity in whose name a valid alcoholic beverage license has been issued by the State of Florida under F.S. § 561.15, including any employee or agent of such person or entity.

Permittee's patio means land contiguous to and part of a specifically permitted premises within which a permittee provides food by table service in a restaurant style setting and which is licensed as a sidewalk cafe by council resolution or the mayor.

Public parking area means parking areas and driveways in connection therewith that are owned or leased by the federal government, the State of Florida, Highlands County, the Town of Lake Placid or any other governmental agency, where the public is free to travel.

Semi-public parking area means any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, or multifamily residential buildings and the driveways in connection therewith.

Specifically licensed premises means that portion of any property which is specifically licensed by the State of Florida for consumption of alcoholic beverages.

(Ord. No. 14-661, § 1, 1-13-14)

§ 38-2. - Hours of operation for on-premises consumption.

- (a) All businesses located within the town limits wherein any beer, wine, liquor or alcoholic beverages are consumed upon the said business premises shall be closed for business between the hours of 2:00 a.m. and 7:00 a.m. every day.
- (b) The town council of the town may grant a temporary variance from the closing times set forth herein for a specific place of business and for a specific time period to allow that business to remain open after the proscribed closing time so long as there are no sales, service, distribution or consumption of alcoholic beverages on the premises after the proscribed closing time, and so long as the variance is granted in advance of the function, after notice thereof to the police department.

- (c) Any person violating the terms of this section shall be, if convicted, punished as provided in section 38-7 of this Code.

(Ord. No. 14-661, § 1, 1-13-14)

§ 38-3. - Possession or consumption prohibited.

- (a) It shall be unlawful for any permittee to permit the consumption of alcoholic beverages on any property under the control, directly or indirectly, of the permittee, except on either the specifically licensed premises or on the permittee's patio.
- (b) It shall be unlawful for any person to drink or consume any alcoholic beverage on any property under the control, directly or indirectly, of a permittee, except on either the specifically licensed premises or the permittee's patio for such consumption.
- (c) It shall be unlawful for any person to possess an open container of alcoholic beverage or consume such beverage on any property or parking lot upon which any business is located that sells alcoholic beverages where the business is licensed by the State of Florida under F.S. § 563.02, as a "1APS Beer Only For Sale in Sealed Containers and for Consumption Off-Premises Only," or as a business that is licensed by the State of Florida under F.S. § 564.02, "2APS Beer/Wine For Sale in Sealed Containers and for Consumption Off-Premises." It shall be unlawful for any person to possess an open container of alcoholic beverage or consume such beverage within fifty (50) feet of business selling alcohol with a 1APS or 2APS license.
- (d) It shall be unlawful for any person to possess any container of alcoholic beverage, except an original container with the seal unbroken, or to consume any alcoholic beverage in or on a motor vehicle standing or being operated on a public area, public parking area, semi-public parking area or driveway open for vehicular travel.
- (e) It shall be unlawful for any person to consume or possess any alcoholic beverage (unless such alcoholic beverage is in the original container with the seal unbroken) upon the parks, public streets, alleys, sidewalks, public parking areas or other public property of the town, except on the specifically permitted premises at licensed sidewalk cafes.
- (f) This section shall not apply to:
 - (1) Any function for which the mayor or town council grants a permit under this section for a specific property and for a specific time period. The permit shall be granted in advance of the function, with notice to the police department.
 - (2) Any person who has picked up such containers while engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself or while taking part in a litter control campaign.
 - (3) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages, provided that such alcoholic beverage is being transported solely for commercial purposes.
 - (4) The transportation of any open container of alcoholic beverage in or on any motor vehicle if such container is in a compartment of the vehicle not readily accessible to the driver or passengers, such as a locked (not merely latched) glove compartment, trunk, or other non-passenger or non-driver area of the motor vehicle.
 - (5) The transportation of any open container or the consumption of alcoholic beverage in or on any motor vehicle duly licensed and operated for hire to transport passengers, such as charter buses, regularly scheduled buses, taxicabs, and the separate passenger compartments of limousines; provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage.

- (6) The operation, for a consideration, of any motor vehicle by an individual duly licensed and supplied by a chauffeur service, limousine service, taxicab company, or bus company; provided the operator thereof is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage, and is operating the vehicle while under, and in the scope of, the employment of a chauffeur service, limousine service, taxicab company, or bus company. The operator must have in his possession evidence of employment by a bona fide chauffeur service, limousine service, taxicab company or bus.

(Ord. No. 14-661, § 1, 1-13-14)

§§ 38-4, 38-5. - Reserved.

§ 38-6. - Warning signs.

All vendors of alcoholic beverages shall have in a conspicuous place in their premises, a sign measuring not less than eight and one-half (8½) inches by fourteen (14) inches which is clearly visible and legible to all patrons entering the premises which, in letters not less than one-half-inch high, shall read as follows:

HEALTH WARNING:

All vendors operating under a 1ACP OR 2ACP license shall also post, in the same location, in letters not less than one-half inches high a sign which reads as follows:

POSSESSION OF OPEN CONTAINERS OF ALCOHOL OR ALCOHOL CONSUMPTION WITHIN 500 FEET OF THIS ESTABLISHMENT IS A VIOLATION OF TOWN ORDINANCE.

(Ord. No. 14-661, § 1, 1-13-14)

§ 38-7. - Penalties for violation.

Any person violating any provision of this chapter shall be assessed and fined as a class VII violation under section 26-482 of the Code of the Town of Lake Placid, Florida.

(Ord. No. 14-661, § 1, 1-13-14)