

ORDINANCE NO. 15-02

AN ORDINANCE OF THE CITY OF FORT MEADE, FLORIDA; AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT MEADE, FLORIDA; CREATING SECTION 4-20 RELATED TO THE USE, CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES IN CITY-OWNED CIVIC CENTERS, BUILDINGS, STRUCTURES AND ON CITY-OWNED PREMISES, PARKS, AND ATHLETIC FIELDS DECLARED UNLAWFUL; AMENDING SECTIONS 22-95 THROUGH 22-103 RELATING TO CARNIVALS, FAIRS, CIRCUS AND SIMILAR PRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FORT MEADE, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENT TO SECTION 4-20 OF THE CODE OF ORDINANCES OF THE CITY OF FORT MEADE, FLORIDA. Section 4-20 of the Code of Ordinances of the City of Fort Meade is hereby created as follows:

Sec. 4-20. – Use, consumption or possession of alcoholic beverages in city owned civic centers, buildings, structures and on city-owned premises, parks, and athletic fields declared unlawful.

(a) The use, consumption or possession of any alcoholic beverages on or in city-owned civic centers, buildings, structures and premises, parks and athletic fields is hereby prohibited and declared to be unlawful.

(b) Notwithstanding the prohibitions set forth in subsection (a) above, the City Commission may suspend the operation of such subsection (a) by a duly enacted Resolution authorizing the use, consumption or possession of alcoholic beverages at receptions, dances, bazaars, carnivals, celebrations, civic functions, fund raising endeavors, city-sponsored events and or other related activity of a community nature on or in city-owned civic centers, buildings, structures and premises, parks and athletic fields.

(c) In deciding whether to enact a Resolution, the City Commission shall consider the number and age of persons likely to be in attendance, the likelihood of injury, the ability to provide police and fire protection, the ability to provide medical services, the ability to implement effective crowd control measures, the availability of sanitary facilities, the likelihood of accumulation of litter and/or debris, and the proximity of location to religious or educational institutions, hospitals, youth or public recreation centers or areas, playgrounds, child care centers and residential areas.

(d) The City Manager shall issue a special written permit, after approval from the City Commission, which authorizes the use, consumption or possession of alcoholic beverages at receptions, sponsored events, or other related activity on or in city-owned civic centers, buildings, structures and premises, parks and athletic fields. The City Manager shall establish an application and a procedure to review applications which shall include the Sheriff Department, Fire Department, and the Parks and Recreation Department. Applicants for a Special Permit may be required to post a damage deposit that may be refundable, as follows:

0 to 50 people	\$100
51 to 100 people	\$150
101 to 150 people	\$200
151 to 200 people	\$250
201 or more people	\$500

by cash or cashier's check, as well as pay for police security and obtain event insurance covering liability and property damage naming the City of Fort Meade as an additional insured. Applicants for a Special Permit pursuant to the subsection shall pay a reasonable fee to be established by the City Manager, as well as all other rental fees associated with the facility and shall be required to present their request to the City Commission.

(e) In the event that the City Manager shall, in his/her discretion deem it necessary for police protection, the applicant shall coordinate with the local law enforcement agency for the number of minimum officers required as listed below and as indicated in subsection (c) above, bear the cost of said police protection. The minimum number of law enforcement officers that may be required are as follows:

0 to 100 people	2 Officers
101 to 150 people	3 Officers
151 to 200+ people	4 Officers

(f) All other expenses, such as City manpower, Fire Department personnel and/or Parks and Recreation personnel shall be at the applicant's expense and shall be based on fees established by the City Manager and City Commission.

SECTION 1. AMENDMENT TO SECTIONS 22-95 THROUGH 22-103 OF THE CODE

OF ORDINANCES OF THE CITY OF FORT MEADE, FLORIDA. Sections 22-95 through 22-

103 of the Code of Ordinances of the City of Fort Meade is hereby created as follows:

Sec. 22-95 – 22-99. Reserved.

ARTICLE VII. CARNIVALS, FAIRS, CIRCUS AND SIMILAR PRESENTATIONS

22-100. Additional requirements.

22-101. Conformity to rules, regulations.

22-102. Operating hours.

22-103. Fees.

Sec. 22-100. Additional requirements.

All owners or operators of carnivals, fairs and circus desiring to operate a carnival, fair or circus and for which a business tax receipt is required, shall be required to submit plans to the city outlining provisions to supply adequate parking, fire protection, law enforcement protection, crowd control proof of liability and property damage insurance in the amount of at least \$1,000,000 and sanitary facilities for the number of persons anticipated for the scheduled operation of such carnival, fair or circus. Such information is in addition to the information required on applications for issuance of a business tax receipt and application for carnivals/fairs under this chapter.

It shall be the responsibility of the owners or operators of carnivals, fairs, or circus to contact the applicable law enforcement agency for the city to determine the number of law enforcement protection officers are needed and provide said information to the City.

Sec. 22-101. Conformity to rules, regulations.

All insurance and plans for parking, fire protection, law enforcement protection, crowd control and sanitary facilities shall be in conformity with current standards, rules and regulations, and ordinances of the city and must be submitted within thirty (30) days of the event. All owners and operators shall be responsible for all costs associated with the event that include, but may not be limited to, City Personnel, Fire Protection, Law Enforcement Protection, crowd control and sanitary facilities.

Sec. 22-102. Operating hours.

No carnival, fair or circus shall be allowed to operate between the hours of 12:00 a.m. to 8:00 a.m., Monday through Saturday.

Sec. 22-103. Fees.

Carnivals, fairs or circus shall pay the City \$100/day for each day in operation and any other rental fees established for the use of city owned parks or lands.

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

PASSED ON FIRST READING this 10th day of February, 2015.

PASSED ON SECOND READING this 10th day of March, 2015.

CITY OF FORT MEADE, FLORIDA


Maurice Nelson, Mayor

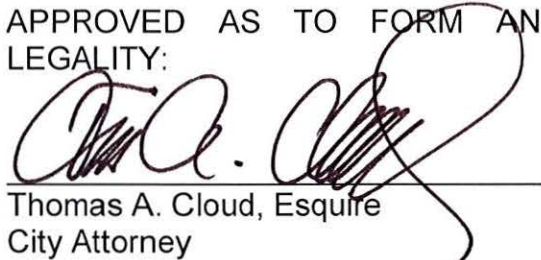
ATTEST:


Melissa Newman, Deputy City Clerk

APPROVED:


Fred Hilliard, City Manager

APPROVED AS TO FORM AND LEGALITY:


Thomas A. Cloud, Esquire
City Attorney

Sec. 22-94. - Vending and amusement machines.

The business premises where a coin-operated or token-operated vending machine that dispenses products, merchandise, or services or where an amusement or game machine is operated must assure that any required business tax receipt for the machine is secured. The term "vending machine" does not include coin-operated telephone sets owned by persons who are in the business of providing local exchange telephone service and who pay the business tax under the category designated for telephone companies in the municipality or county or a pay telephone service provider certified pursuant to F.S. § 364.3375. The business tax for vending and amusement machines will be based on the highest number of machines located on the business premises on any single day during the previous receipted year or, in the case of new businesses, be based on an estimate for the current year. Replacement of one (1) vending machine with another machine during a receipted year does not affect the tax assessment for that year, unless the replacement machine belongs to a business tax classification that requires a higher tax rate. For the first year in which a business tax is assessed on vending machines, each business owning machines located in the city must notify the city, upon request, of the location of such machines. Each business owning machines must provide notice of the provisions of this section to each affected business premises where the machines are located. The business premises must secure the receipt if it is not otherwise secured.

(Ord. No. 09-08, § 2, 9-9-2009)

Sec. 22-95 – 22-99. Reserved.

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Sec. 22-100. Additional requirements.

All owners or operators of carnivals, fairs and circus desiring to operate a carnival, fair or circus and for which a business tax receipt is required, shall be required to submit plans to the city outlining provisions to supply adequate parking, fire protection, law enforcement protection, crowd control proof of liability and property damage insurance in the amount of at least \$1,000,000 and sanitary facilities for the number of persons anticipated for the scheduled operation of such carnival, fair or circus. Such information is in addition to the information required on applications for issuance of a business tax receipt and application for carnivals/fairs under this chapter.

It shall be the responsibility of the owners or operators of carnivals, fairs, or circus to contact the applicable law enforcement agency for the city to determination the number of law enforcement protection officers are needed and provide said information to the City.

Sec. 22-101. Conformity to rules, regulations.

All insurance and plans for parking, fire protection, law enforcement protection, crowd control and sanitary facilities shall be in conformity with current standards, rules and regulations, and ordinances of the city and must be submitted within thirty (30) days of the event. All owners and operators shall be responsible for all costs associated with the event that include, but may not be limited to, City Personnel, Fire Protection, Law Enforcement Protection, crowd control and sanitary facilities.

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Carnivals, fairs or circus shall pay the City \$100/day for each day in operation and any other rental fees established for the use of city owned parks or lands.

ARTICLE II. - SALE

FOOTNOTE(S):

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Cross reference— Occupational license tax, § 22-86 et seq. ([Back](#))

Sec. 4-16. - Hours of sale limited.

Hours of sale of alcoholic beverages, liquor, beer, malt beverage, wine or fortified wine shall be regulated and limited as follows in the City of Fort Meade. Generally, alcoholic beverages, liquor, beer, malt beverage, wine or fortified wine may be sold, consumed or served or permitted to be served or consumed at any place holding a license under the Florida Department of Business Regulation, Division of Beverage, within the corporate limits of the City of Fort Meade only between the following hours:

Monday—7:00 a.m. until 2:00 a.m. Tuesday next

Tuesday—7:00 a.m. until 2:00 a.m. Wednesday next

Wednesday—7:00 a.m. until 2:00 a.m. Thursday next

Thursday—7:00 a.m. until 2:00 a.m. Friday next

Friday—7:00 a.m. until 2:00 a.m. Saturday next

Saturday—7:00 a.m. until 2:00 a.m. Sunday next

No alcoholic beverage, liquor, beer, malt beverage, wine or fortified wine may be sold, consumed or served or permitted to be served or consumed in any place holding a license under the state beverage department between the hours of 2:00 a.m. Sunday and 6:00 a.m. the following Monday, provided, however, that alcoholic beverages, liquor, beer malt beverage, wine or fortified wine may also be sold as packaged goods not for on-premises consumption from 12:00 p.m. (noon) Sunday until 12:00 a.m. Monday (midnight).

In the event that New Year's Eve shall fall on Sunday, the hours for sale of alcoholic beverages, liquor, beer, malt beverage, wine or fortified wine for on premises consumption shall be extended until 2:00 a.m. Monday next. Violation of this section shall be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than sixty (60) days, or both.

(Code 1962, § 4-12; Ord. No. 92-12, § 1, 10-13-92; [Ord. No. 13-01, § 1, 2-12-2013](#))

State law reference— Authority of city to regulate hours of sale, F.S. § 562.45(2).

Sec. 4-17. - Location of sales establishments; proximity to schools, churches.

- (a) No liquors, wines or beer shall be sold within the corporate limits of the city at any place of business or establishment except within those portions of the city zoned as business or industrial zones and not less than five hundred (500) feet apart from each such place of business; provided, however, that the foregoing shall not apply to any actual, bona fide nationally organized civic, benevolent or fraternal organization. Such distance requirements shall not apply to the sale of beer, wine or liquor for consumption on the premises only of a licensed operating restaurant. All state requirements shall have been met by such business establishments. Vendors operating places of business where malt beverages are sold only for consumption off the premises shall not be subject to municipal zoning.
- (b) No liquors, wines or beer shall be sold within the corporate limits of the city at any place of business, location or establishment within five hundred (500) feet of any established school or church; provided, however, that the foregoing shall not apply to the following:
 - (1) Any duly licensed grocery store selling wines and beer in packages, and for consumption off the premises, and
 - (2) Any restaurant meeting all of the following conditions:
 - a. Eighty (80) percent of all sales are from food;
 - b. All alcohol consumption shall be on the premises of the restaurant;
 - c. Restaurant may not advertise by displays, signs, or otherwise, any alcoholic beverage or the sale thereof, on its premises except in a menu provided for patron use.

(Code 1962, § 4-13; Ord. No. 79-12, § 1, 11-13-79; Ord. No. 06-11, § 1, 12-12-2006)

Cross reference— Zoning, App. A.

State law reference— Exception from zoning for sale of beer for off-premises consumption, F.S. § 563.02(1)(a).

Sec. 4-18. - Entrance specifications for sales establishments.

No liquors shall be sold in any place of business or establishment unless the main entrance of such place of business or establishment is located on a platted and utilized public thoroughfare; provided, that if application for liquor license is made for a bar or package store to sell intoxicating liquors in any hotel or restaurant conforming to the requirements of F.S. § 561.20(2) (which provides for nonquota liquor licenses), no license shall be issued unless access to such bar or package store shall be through the main lobby of the hotel or restaurant; and such bar or package store shall be operated within the confines of such hotel or restaurant and not be visible from any street or public thoroughfare.

(Code 1962, § 4-14)

Sec. 4-19. - Sale to specified classes prohibited.

No person licensed under the provisions of this chapter shall give, sell, serve, deliver or permit to be served any alcoholic beverages or liquors, including wines or beers, as follows:

- (1) To any person less than twenty-one (21) years of age, actually or apparently;
- (2) To any person who is intoxicated;
- (3) To any patient under the supervision or control of any state hospital, whether on furlough or otherwise;
- (4) To any person who is a habitual drunkard, and known to be such by the vender, after notification by the sheriff's department;
- (5) To a habitual drunkard known to the vendor; nor to any person of intemperate habits when such dealer has been notified in writing protesting against the selling or furnishing thereof by the wife, father, mother, brother or sister of such person of intemperate habits.

(Code 1962, § 4-15)

State law reference— Sale, etc., to persons under 21 prohibited, F.S. § 562.11; sales to habitual drunkards, F.S. § 562.50.

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