

ORDINANCE 2006- 09

AN ORDINANCE OF CALHOUN COUNTY, FLORIDA; PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES OR THE POSSESSION OF OPEN CONTAINERS THEREOF AT CERTAIN PUBLIC RECREATION AREAS IN CALHOUN COUNTY, FLORIDA; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY AND REPEALER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, by Florida Statutes Section 316.1936 (as amended by Laws of Florida Chapter 88-22 effective October 1, 1988), recognized the public hazard and cost involved in the consumption of alcoholic beverages or possession of open containers thereof in motor vehicles; and

WHEREAS, the Legislature has empowered, by Florida Statutes Section 316.1936(7) and 396.161, the enactment of local ordinances relating to the consumption of alcoholic beverages in circumstances involving the operation of motor vehicles, machinery or other hazardous equipment; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, has determined as a matter of fact, that the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages at certain locations within the county are deleterious to the public health and safety and welfare; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, has determined as a matter of fact, that the areas referred to herein are customarily frequented by persons operating motor vehicles and other machinery or equipment, or engaging in swimming or recreational activities, which operations and activities are rendered more dangerous by the nearby presence of persons consuming or having immediate access to alcoholic beverages; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, has determined as a matter of fact, that the imposition of reasonable restrictions on the consumption of alcoholic beverages and the possession of open containers thereof in certain areas will enhance the safe operation of motor vehicles and other equipment, and in other activities at those areas:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

This Ordinance of Calhoun County, Florida, shall be and the same is hereby enacted to read as follows:

**SECTION 1. COMMON TITLE**

This Ordinance shall be known and may be cited as the Open Container Ordinance.

**SECTION 2. DEFINITIONS**

A. "Open Container" shall mean any container which is immediately capable of being consumed from, or the seal of which has been broken.

B. "Public Property" shall include all property owned by Calhoun County, Florida, described in Exhibit "A" annexed hereto.

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CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
CALHOUN COUNTY, FLORIDA

**SECTION 3.**

It shall be unlawful for any person to possess, and no person shall possess, any open container of an alcoholic beverage on any public property as herein defined.

**SECTION 4.**

It shall be unlawful for any person to consume, and no person shall consume, any alcoholic beverages on any public property as herein defined.

**SECTION 5. PENALTIES.**

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor of the second degree, punishable as provided by general law.

**SECTION 6. SEVERABILITY AND REPEALER.**

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional, void or invalid, for any reason, by any court of competent jurisdiction, the validity of the remaining portion of the ordinance shall not be affected thereby. All other ordinances or portion of ordinances in force at the time this ordinance becomes effective, which are in conflict with any provision hereof, shall be deemed to have been repealed and are repealed to the extent of any such conflict; otherwise to remain in full force and effect.

**SECTION 7. EFFECTIVE DATE.**

This ordinance shall take effect upon being enacted and duly filed with the Florida Secretary of State.

**ENACTED** in Regular Session by the Board of County Commissioners of Calhoun County, by a vote of 5 to 0, this 15th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS,  
CALHOUN COUNTY, FLORIDA

BY: Wilde T. Grant  
Chairman

ATTEST:

Ruth W. Attaway  
Ruth W. Attaway, Clerk

CLERK  
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EXHIBIT "A"

**CALHOUN COUNTY PARKS**

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Chipola River Park	06	1 South	09 West
Stone's Landing Cypress Creek Oak Grove	12	3 South	10 West
Sam Atkins Park	30	1 North	08 West
Ocheese Landing	07	2 North	07 West
John Redd Landing	07	1 North	08 West
Johnny Boy Landing	19	2 North	09 West
Parrish Lake Landing #1	14	1 North	08 West
Parrish Lake Landing #2	15	1 North	08 West
Henderson Mill	18	2 North	08 West
4 Mile Creek Park	31	1 North	09 West
C. W. Shelton Park	36	2 North	10 West
Lamb Eddy Landing	08	1 North	09 West
Pine Island Volunteer Fire Department/Voting Precinct	21	1 North	08 West
Red Oak Volunteer Fire Department/Voting Precinct	16	1 North	09 West
West End Volunteer Fire Department/Voting Precinct	31	1 North	09 West

CLERK OF COURTS  
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County Road Yard	31	1 North	08 West
Scotts Ferry Volunteer Fire Department	21	2 South	09 West
Kinard Volunteer Fire Dept./ Community Center	33	2 South	10 West
Neal's Landing	04	1 South	08 West
Hugh Creek Library	31	1 South	08 West
Cooper's Park	33	1 North	08 West
Clay Mary Park	33	1 North	08 West
Scout Hut/Park	33	1 North	08 West
Mossy Pond Landing	02	1 North	11 West

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 SECURITY