

ORDINANCE NO. 07-

AN ORDINANCE OF CALHOUN COUNTY, FLORIDA, REPEALING ORDINANCE 2006-09, PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE POSSESSION OF OPEN CONTAINERS THEREOF AT CERTAIN PUBLIC RECREATION AREAS IN CALHOUN COUNTY, FLORIDA; PROVIDING FOR PERMITS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 unregulated 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 396.91, 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 unregulated 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, 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 engaged 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 order activities at those areas:

NOW, THEREFOE, BE IT ORDAINED by the Board of County Commissioners of Calhoun County, Florida, that:

Ordinance 2006-09 is hereby repealed.

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

SECTION 1. COMMON TITLE

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

RECEIVED
CLERK OF COUNTY COMMISSIONERS
CALHOUN COUNTY, FLORIDA
MAY 11 2007

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.
- C. "Permit" shall mean a permit issued by the Board of County Commissioners of Calhoun County, Florida.

SECTION 3.

It shall be unlawful for any person to possession, and no personal shall possess, any open container of an alcoholic beverage on any public property as herein defined unless a permit has previously been issued to allow the consumption of alcoholic beverages on said property.

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 unless a permit has previously been issued to allow the consumption of alcoholic beverages on said property.

SECTION 5. PERMITS

The Board of County Commissioners of Calhoun County, Florida may issue temporary permits, which allow the consumption and possession of alcoholic beverages on "public property". Said permit shall be temporary in nature and shall be issued in the sole discretion of the Board of County Commissioners. In order to have said permit issued, the permit must be applied for from the Clerk of Court. The consumption of Alcoholic beverages must be legal under Florida Law. The applicant shall provide proof of insurance with an alcohol endorsement and must provide security from a licensed security company or off-duty sheriff's deputy.

SECTION 6. 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 7. SEVERABILITY AND REPEALER

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held, for any reason, to be unconstitutional, void, or invalid 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 or 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 8. EFFECTIVE DATE

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

The foregoing ordinance was adopted by vote of 4 to 0 by the Board of County Commissioners of Calhoun County, Florida, after due notice and publication and on motion, second and discussion, in the meeting of December 18, 2007.



BOARD OF COUNTY COMMISSIONERS,
CALHOUN COUNTY, FLORIDA

BY: Charles T. Smith
Chairman

ATTEST:

[Signature]
Clerk

EXHIBIT "A"

CALHOUN COUNTY PARKS

<u>NAME</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
Chipola River Park	06	1 South	9 West
Stone's Landing Cypress Creek Oak Grove	12	3 South	10 West
Sam Atkins Park	30	1 North	8 West
Ocheessee Landing	07	2 North	7 West
John Redd Landing	07	1 North	8 West
Johnny Boy Landing	19	2 North	9 West
Parrish Lake Landing #1	14	1 North	8 West
Parrish Lake Landing #2	15	1 North	8 West
Henderson Mill	18	2 North	8 West
4 Mile Creek Park	31	1 North	9 West
C. W. Shelton Park	36	2 North	10 West
Lamb Eddy Landing	08	1 North	9 West
Pine Island Volunteer Fire Department/Voting Precinct	21	1 North	8 West
Red Oak Volunteer Fire Department/Voting Precinct	16	1 North	9 West
West End Volunteer Fire Department/Voting Precinct	31	1 North	9 West
County Road Yard	31	1 North	8 West
Scotts Ferry Volunteer Fire Department	21	2 South	9 West
Kinard Volunteer Fire Dept./ Community Center	33	2 South	10 West

<u>NAME</u>	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
Neal's Landing	04	1 South	8 West
Hugh Creek Library	31	1 South	8 West
Cooper's Park	33	1 North	8 West
Clay Mary Park	33	1 North	8 West
Scout Hut/Park	33	1 North	8 West
Mossy Pond Landing	02	1 North	11 West