LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 5. ALCOHOLIC BEVERAGES

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CHAPTER 5. ALCOHOLIC BEVERAGES

§ 5-1. Legislative findings and intent. [Repealed]

Effective: Tuesday, January 21, 2020

(Ord. No. 2009-25, § 1, 10-20-09; Ord. No. 2020-04, § 1, 1-21-20)

§ 5-1. Applicability. [Transferred]

Effective: Tuesday, January 21, 2020

In addition to all provisions of chapters 561 and 562, Florida Statutes, hereinafter referred to as the Florida Beverage Law, the provisions of this chapter shall apply to the sale, service, possession and consumption of alcoholic beverages within the corporate limits of the city.

(Ord. No. 2009-25, § 1, 10-20-09; Ord. No. 2020-04, § 1, 1-21-20)

§ 5-2. Definitions.

Effective: Tuesday, November 01, 2022

The definitions in the Florida Statutes known as the state beverage law, as amended from time to time, are adopted by the City Commission and made a part of this chapter by reference.

As used in this section, the following terms shall have the meanings ascribed as follows:

Alcoholic beverages means distilled spirits and all beverages containing one-half (½) of one (1) percent or more alcohol by volume.

Beer means all brewed beverages containing malt.

Bottle club means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure.

Fraternal or civic organization means a lodge or club of a national fraternal or benevolent association.

Open container means an unsealed alcoholic beverage contained in a bottle, can, cup, glass or other container.

Operator means the corporation, firm or person legally responsible for the daily operation of an establishment where alcoholic beverages are sold, served or consumed.

Owner means any corporation, firm or person having lawful possession of an establishment where alcoholic beverages are sold, served, or consumed.

Restaurant means a public eating place holding a valid local business tax receipt issued by the city and a valid license from the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation where meals are prepared, served or sold for immediate consumption on the premises or called for or taken out by customers that derives at least fifty-one (51) percent of its gross revenue from the sale of food and nonalcoholic beverages.

Retail sales establishment means a business that is engaged primarily in the retail sale of consumer goods or services. Convenience stores and retail service stations are included in the definition of a retail sales establishment.

Sale and *sell* means any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the Florida Beverage Law.

Wine means all beverages made from fresh fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouths and like products. Sugar, flavors and coloring materials may be added to wine to make it conform to the consumer's taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine.

Bar means any establishment with a principal or predominant use of selling, providing or allowing the consumption of alcoholic beverages on the premises.

Wine and beer bar means any establishment devoted during any time of operation predominantly or totally to serving alcoholic beverages excluding liquor or distilled spirits, intoxicating beverages, or any combination thereof, for consumption on the licensed premises. The serving of food, if any, is merely incidental to the consumption of any such beverage.

(Ord. No. 2009-25, § 1, 10-20-09; Ord. No. 2011-03, § 1, 3-1-11; Ord. No. 2020-04, § 2, 1-21-20; Ord. No. 2022-46, § 1, 11-01-22)

§ 5-3. Hours of sale. [Transferred]

Effective: Tuesday, January 21, 2020

(a) Alcoholic beverages may be consumed, permitted to be served, served or sold with a meal at a restaurant holding a valid license from the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation and local business tax receipt issued by the city between the hours of 8:00 a.m. and 2:00 a.m. of the following day.

(b) Alcoholic beverages may be sold at a retail sales establishment holding a valid license from the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation and local business tax receipt issued by the city between the hours of 6:00 a.m. and 2:00 a.m. of the following day.

(c) Alcoholic beverages may be consumed, permitted to be served, served or sold at a wine and beer bar holding a valid license from the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation and local business tax receipt issued by the city between the hours of 8:00 a.m. and 2:00 a.m. of the following day.

(d) Alcoholic beverages may be consumed, permitted to be served, or served at a fraternal or civic organization holding a valid license from the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulations and a local business tax receipt issued by the city between the hours of 8:00 a.m. and 2:00 a.m. the following day.

(e) It shall be unlawful for a person to consume, permit to be served, serve or sell an alcoholic beverage at any restaurant, retail sales establishment, stand-alone bar or wine and beer bar outside the regulations established above.

(Ord. No. 2009-25, § 1, 10-20-09; Ord. No. 2011-03, § 2, 3-1-11; Ord. No. 2020-04, § 2, 1-21-20)

NOTATION

Regulating hours of sale and authorizing municipalities to regulate same, F.S. § 562.14.

§ 5-4. Consuming alcoholic beverages and possessing an open container in public areas. [Transferred]

Effective: Tuesday, January 21, 2020

It shall be unlawful for any person to consume an alcoholic beverage or possess an open container upon any public alley, highway, right-of-way, roadway, street, public or private parking lot used by the public, public park or any other public open space except as provided below:

(1) A person may consume an alcoholic beverage or possess an open container in public open space approved for such purpose by the city commission under the provisions of chapter 23

(2) A person may drink or consume an alcoholic beverage or possess an open container on a public alley, highway, right-of-way, roadway, street, public or private parking lot used by the public, public park or any other public open space with the approval and issuance of a special event permit by the city commission. In conjunction with the application, the applicant must secure a policy providing commercial general liability insurance in an amount not less than one million dollars ($1,000,000.00) naming the City of Lake Wales as an additional insured. The applicant shall be responsible for providing notice to participants that alcoholic beverages may only be consumed in a clear plastic container not in excess of sixteen (16) ounces of capacity and within the area approved by the city commission.

(Ord. No. 2009-25, § 1, 10-20-09; Ord. No. 2011-03, § 3, 3-1-11; Ord. No. 2020-04, § 3, 1-21-20)

§ 5-5. Consumption, sale and service of alcoholic beverages within five hundred (500) feet of a church or school prohibited.

Effective: Tuesday, November 01, 2022

(a) No alcoholic beverages shall be sold or consumed or permitted to served or consumed within the corporate limits of the city at any place of business, location or establishment holding a valid license for the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulations within five hundred (500) feet of any real property that comprises an established church or private or public elementary, middle or secondary school; provided, however, that the above and foregoing shall not apply to a restaurant, as restaurant is defined in state law and section 5-2 herein, where alcoholic beverages are sold as a part of a meal served on the restaurant premises, to any duly licensed grocery store selling wines or beers in packages for consumption off the premises and the requirement for a five-hundred-foot distance shall not apply to wine and beer bars, to fraternal or civic organizations or to an artisanal production establishment.

(b) The distance of five hundred (500) feet shall be measured as follows:

(1) *Pertaining to established schools.* Five hundred (500) feet from the nearest point of the building of the place of business, location or establishment to the nearest point of the real property containing school facilities.

(2) *Pertaining to established church.* Five hundred (500) feet from the nearest point of the building of the place of business, location or establishment to the nearest point of the church building or buildings.

(3) *Measurement.* The distance of five hundred (500) feet shall be measured in a straight line.

(c) The requirements of this section shall not apply for bars and wine and beer bars located within the Downtown – Mixed Use (D-MU) Zoning District, provided that all other applicable requirements for the D-MU district are met.

(Ord. No. 2009-25, § 1, 10-20-09; Ord. No. 2009-29, § 1, 11-17-09; Ord. No. 2011-03, § 4, 3-1-11; Ord. No. 2020-04, § 3, 1-21-20; Ord. No. 2022-46, § 1, 11-01-22)

NOTATION

Zoning, land use and development regulations, Ch. 23.

§ 5-6. Requirements for Special Food Service Establishments.

Effective: Tuesday, November 01, 2022

(a) Special Food Service Establishments (those being establishments that must obtain a 4COP, 5COP, 6COP, 7COP, or 8COP license) within the D-MU, C-1, and C-1A zoning districts shall be required to comply with the following standards:

(1) Minimum 1,000 square feet of service area;
(2) Be equipped to service 75 persons at one time; and
(3) Derive at least 51% of revenue from food-non-alcoholic beverages.

(Ord. No. 2022-46 § 1, 11-01-22)