

AN ORDINANCE REGULATING THE TIME FOR SALE OF ALCOHOLIC AND INTOXICATING BEVERAGES; REPEALING ORDINANCE 89-142016-05; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

ORDINANCE 202016-_____

FRANKLIN COUNTY, FLORIDA

WHEREAS, Franklin County has the authority to regulate the time for the sale of alcoholic and intoxicating beverages pursuant to Section 562.45 and Chapter 125, Florida Statutes, and its home rule powers; and,

WHEREAS, the Board of County Commissioners of Franklin County, Florida is charged with the duty of regulating the time for sale of alcoholic and intoxicating beverages;- and,

WHEREAS, Franklin County finds that tourism in Franklin County, Florida has become a substantial economic factor throughout the ~~during the period generally beginning with Memorial Day and ending with Labor Day each year;~~ and,

WHEREAS, the Board of County Commissioners of Franklin County have determined that it is in the best interest of the health, safety and welfare of the public to extend the hours of operation of any place holding a license under the Beverage Law of the State of Florida from midnight to 1:00 A.M. year round; and, ~~during the tourist season, but that hours of operation will generally return to midnight during off peak tourist season;~~

WHEREAS, Franklin County finds that this ordinance is a proper exercise of its police power,

NOW THEREFORE BE IT ORDAINED that:

- A. ~~During the off peak tourist season for the period each year beginning September 6th and ending May 29th, n~~No alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the Beverage Law of the State of Florida for sale of alcoholic beverages between the hours of 1:00 A.M. midnight and 7:00 A.M. each of the following day, except that alcoholic beverages may be sold-, consumed-, served or permitted to be served or consumed between ~~mid-night~~1:00 A.M. and 2:00 A.M. ~~of the following day,~~ on each of the below listed weekends and holidays:
- Friday night and Saturday night each weekend;
 - Christmas Eve and Christmas;
 - New Year's Eve;
 - Memorial Day Eve;
 - Fourth of July Eve;
 - Labor Day Eve; and
 - Thanksgiving Day Eve.
- B. ~~During the peak tourist season for the period each year beginning May 30th and ending on September 5th, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the Beverage Law of the State of Florida for sale of alcoholic beverages between the hours of 1:00 A.M. and 7:00 A.M. of the following day, except that alcoholic beverages may be sold , consumed , served or permitted to be served or consumed between 1:00 A.M. and 2:00 A.M. of the following day, on the below listed weekends and holidays:~~

~~Friday night and Saturday night each weekend;
Christmas Eve and Christmas;
New Year's Eve;
Memorial Day Eve;
Fourth of July Eve;
Labor Day Eve; and
Thanksgiving Day Eve.~~

~~J.B.~~ This ordinance shall only apply to the unincorporated area of Franklin County, Florida.

Repeal:

Ordinance ~~89-14~~2016-05, which regulated the time for sale of alcoholic and intoxicating beverages before the passage of this Ordinance, is repealed.

Severability:

If any part of this ordinance is determined by the final judgment of a court of competent jurisdiction as being unenforceable; then that part shall be stricken and the remainder of the ordinance shall remain in full force and effect.

Penalty:

The first violation of this ordinance shall be a civil penalty of \$1,000.00, plus court costs;
The second violation of this ordinance shall be a civil penalty of \$2,500.00, plus court costs;
The third violation of this ordinance shall be prosecuted as a first degree misdemeanor, plus court costs.
All civil penalties shall be equally divided between Franklin County and the Clerk of the Court.

Effective Date:

This ordinance shall take effect as provided by law.

This Ordinance adopted in open session this ____ day of ~~March~~July, 2020~~16~~.

FRANKLIN COUNTY, a political
Subdivision of the State of Florida

ATTEST:

By: _____
Noah Lockley, Jr. ~~William Massey~~, Chairman

By: _____
Marcia Johnson, Clerk of Court

Approved as to legal form and substance efficiency:

By: _____
Thomas M. Shuler, County Attorney