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ORDINANCE NO. 2014-08

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, PERTAINING TO THE SALE OF ALCOHOL; PROVIDING FOR A CONDITIONAL USE PROCESS FOR 2COP (BEER AND WINE) LICENSEES TO APPLY FOR A WAIVER FROM THE DISTANCE SEPARATION REQUIREMENTS FOR ON-PREMISES CONSUMPTION OF BEER AND WINE; REVISING THE HOURS OF SALE TO PERMIT ALCOHOLIC BEVERAGES TO BE SOLD ON SUNDAYS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE

Section 1. Amendments to the Town of Windermere’s Code of Ordinances. Sections 8-82 and 8-83 of the Town of Windermere’s Code of Ordinances are hereby revised as indicated by the following strike-through and underlined language:

Sec. 8-82. Location requirements.

- (a) Any place of business in which alcoholic beverages or intoxicating beverages are sold or furnished at retail to the public by glass or drink within the town shall open directly and immediately on the street, and no such place of business shall be less than 1,000 feet from an established church, school or any other such place of business wherein consumption on premises is permitted which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the main entrance of the church and in case of a school, to the nearest point of the school grounds in use as part of the school facilities.
- (b) These location and distance requirements shall not apply to “restaurants” as that term is defined in section 8-81(a).
- (c) A 2COP licensee may apply for conditional use approval through the process in the town’s Land Development Code to waive the distance separation requirements in this section. If approved, the Town Council may revoke such conditional use approval if the place of business (i) violates the conditions of approval, (ii) receives more than two code enforcement violations, or (iii) receives more than two registered police incident reports in a calendar year.

Sec. 8-83. Hours of sale.

No alcoholic beverages shall be sold, consumed or served or permitted to be served or consumed in any place holding a state license between the hours of 12:00 midnight and 7:00 a.m. of the same morning, seven days a week, except as hereafter provided. ~~No alcoholic beverages shall be sold, consumed or served, or permitted to be served or~~

47 consumed, in any place holding a state license between 12:00 midnight Saturday and 7:00
48 a.m. the following Monday, except as hereafter provided:

49
50 (1) Within the meaning of this section, a sale shall be regarded as being made if the
51 alcoholic beverages ~~is~~ are delivered to any person during prohibited hours
52 regardless of whether payment therefore is made at some other time. If any such
53 license vendor be a corporation, the officers of such corporation shall be regarded
54 as the owner thereof for purposes of enforcement of this chapter. All vendors
55 holding state licenses to operate places of business shall not keep such places of
56 business open for business during prohibited hours. If any door of such place of
57 business be opened during prohibited hours except to admit the owner or one of
58 his regular employees, or if any person other than the owner or one of his regular
59 employees enters into such place of business during prohibited hours, it shall be
60 prima facie evidence that such place is open for business, provided that nothing in
61 this chapter shall be construed to prohibit the operation of a business for purposes
62 other than the sale of alcoholic beverages during the hours between 12:00
63 midnight ~~Saturday~~ and 7:00 a.m. ~~the following Monday~~ of the same morning;
64 provided further that any place of business holding a state license, except those
65 places qualifying under subsection (2) of this section, shall, at the hour of 12:00
66 midnight, cause all outside lights on the premises occupied by it to be
67 extinguished and shall cause all entrances and exits to such establishment to be
68 locked and the entrances and exits shall not be opened during the prohibited
69 hours, except to admit the proprietor of such place of business and his employees
70 to enter and to permit the egress of the proprietor, employees and customers of
71 such place of business from the premises, Customers within the place of business
72 at the hour of 12:00 midnight who have prior thereto purchased any single drink
73 of alcoholic beverage and have not completed the consumption thereof shall be
74 permitted to complete the consumption of such alcoholic beverage and shall be
75 required by the proprietor or his employees to leave the place of business as soon
76 as may be reasonably possible. Nothing contained in this chapter shall be
77 construed so as to permit any place of business to sell, or serve, or permit
78 alcoholic beverages to be sold or served, during prohibited hours.

79
80 (2) However, licensees for the sale of alcoholic beverages in the town shall, on that
81 date known as New Year's Eve (December 31), be permitted to remain open for
82 such sales for one hour after the regular closing time established by this section.
83 ~~However, when New Year's Eve (December 31), falls on a Sunday, licensees for~~
84 ~~the sale of alcoholic beverages in the town shall be allowed to be open on or after~~
85 ~~5:00 p.m. on such Sunday, and to remain open as established by this section.~~

86
87 ~~(3) The term "restaurants" as defined in section 8-81(a) shall be permitted to serve~~
88 ~~alcoholic beverages between the hours of 11:00 a.m. and 12:00 midnight seven~~
89 ~~days a week.~~

91 **Section 2. Severability.** If any provision or portion of this ordinance is declared by a court of
92 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
93 provisions and portions of this ordinance shall remain in full effect.
94

95 **Section 3. Codification.** The provisions of this Ordinance shall become and be made a part of
96 the town's Code of Ordinances.
97

98 **Section 4. Effective Date.** This Ordinance takes effect immediately upon its enactment.
99

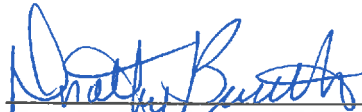
100 **ENACTED** this 9th day of September, 2014, at a regular meeting of the Town Council of
101 the Town of Windermere, Florida.
102

103
104 Town of Windermere, Florida

105 by: Town Council

106
107
108 by: 
109 Gary Bruhn, Mayor

110 Attest:

111 
112
113
114 Dorothy Burkhalter, CMC
115 Town Clerk
116

117 First reading: August 12, 2014

118 Second reading: September 9, 2014
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120

