

SUMTER COUNTY ORDINANCE 2012 - _____

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, DELETING SECTION 3-3 OF THE SUMTER COUNTY CODE OF ORDINANCES IN ITS ENTIRETY; REMOVING THE PROHIBITION ON BOTTLE CLUBS AS DEFINED; RESERVING SECTION 3-3 FOR FUTURE USE; AMENDING SECTION 13-41 OF THE SUMTER COUNTY CODE OF ORDINANCES, SUMTER COUNTY LAND DEVELOPMENT CODE, TO INCLUDE A DEFINITION OF “BOTTLE CLUB”; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Sumter County Board of Commissioners desires to provide for the maximum freedom of use of private property and the greatest economic opportunity for its citizens and property owners as is consistent with the health, safety and welfare of the public; and,

WHEREAS, the Sumter County Code of Ordinances currently prohibits the establishment and operation of bottle clubs in the County; and

WHEREAS, it is the finding of the County’s professional Planning staff that the impacts and issues associated with bottle clubs as regulated by F.S. 561.14 are not materially different from other allowed classifications of establishments which provide for on premises consumption of alcoholic beverages ; and

WHEREAS, the Sumter County Board of County Commissioners, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this Ordinance;

NOW THEREFORE BE IT ORDAINED by the Sumter County Board of County Commissioners, as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to Amend the Sumter County Code of Ordinances: Chapters 3 and 13 (*Land Development Code*), specifically Amending the identified sections for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

SECTION 3. AMENDMENT TO CHAPTERS 3 AND 13 OF THE SUMTER COUNTY CODE OF ORDINANCES.

Sections 3-3 and 13-41 of the Sumter County Code of Ordinances are amended as follows:

Sec. 3-3. - ~~Bottle clubs.~~ Reserved

(a)

Definition. ~~In this section:~~

(1)

~~*Alcoholic beverage* means all beverages containing more than one (1) percent of alcohol by weight.~~

(2)

~~*Bottle club* means any place, establishment or **club** that is engaged in the business of catering to patrons who bring to the place, establishment or **club**, an alcoholic beverage to be consumed on the premises, with a product or service provided by the place, establishment or **club**, for a consideration, or an admission charge, or as an incident to membership in such place, establishment or **club**.~~

(b)

~~*Prohibited.* All **bottle clubs** are prohibited from operation in the county.~~

(c)

~~*Exclusions.* This section shall not be construed to affect, nor is it intended to affect, those places, establishments or **clubs**, whose hours are established or controlled pursuant to F.S. § 562.14.~~

~~*(Ord. No. 71-9, 12-8-71)*~~

Sec. 13-41. – Definitions

Bottle club means any place, establishment or club that is engaged in the business of catering to patrons who bring to the place, establishment or club, an alcoholic beverage to be consumed on the premises, with a product or service provided by the place, establishment or club, for a consideration, or an admission charge, or as an incident to membership in such place, establishment or club.

SECTION 4. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Sumter County, Florida, with the exception of Sections 2, 4, 5 and 6. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein, within Chapter 13 of the Land Development Code.

SECTION 5. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption by the Sumter County Board of County Commissioners.

PASSED AND ADOPTED BY THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, SUMTER COUNTY, FLORIDA, THIS 11th DAY OF DECEMBER, 2012.

SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS

DOUG GILPIN, CHAIRMAN

ATTEST:

GLORIA HAYWARD,
SUMTER COUNTY CLERK OF COURT
BY: CONNIE WEBB, Deputy Clerk

Approved as to form for the reliance of
The Sumter County Board of County
Commissioners, only:

GEORGE ANGELIADIS, ESQ.,
THE HOGAN LAW FIRM, COUNTY ATTORNEY