

**ORDINANCE NO. 2018-11**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER SIX OF THE HILLIARD TOWN CODE TO ALLOW PRIVATE CLUBS AND RESTAURANTS TO SELL LIQUOR FOR ON-PREMISES CONSUMPTION WITHIN THE TOWN LIMITS; PROVIDING OR AMENDING DEFINITIONS FOR LICENSE, STANDARD LICENSE, LIQUOR LICENSE, AND VENDOR; AMENDING LICENSE FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a straw poll was placed on the November 6, 2018 ballot regarding whether the Town of Hilliard should permit the sale of liquor by licensed restaurants or fraternal, service, or veterans clubs, for on-site consumption; and

**WHEREAS**, the majority of voters responding to the above-referenced straw poll indicated that such sales should be permitted; and

**WHEREAS**, the Town of Hilliard believes that allowing licensed private clubs and restaurants to sell liquor for on-site consumption is in the best interest of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein.

**Section 2.** Sections 6-1, 6-2 and 6-9 of Chapter Six of the Hilliard Town Code are hereby amended as follows (additions are denoted by underlining; deletions are denoted by striking through):

**Sec. 6-1. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic beverages* means all distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.

*Beer* extends to and includes all brewed beverages containing malt of any alcoholic content not to exceed 14 percent by volume.

*Establishments* means any places of business where alcoholic beverages are sold, served or permitted to be served or consumed, and licensed under the division of alcoholic beverages and tobacco.

*License* ~~means the right to sell beer and wine~~ refers generally to the Standard License, or both the Standard License and the Liquor License.

*Liquor License* means the right to sell liquor.

*Liquor* includes any and all distilled or rectified spirits, brandy, rum, gin, cordial or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

*Municipality* means the incorporated area of the Town of Hilliard.

*Person* includes natural persons as well as legal and business entities.

*Private clubs* refers to historic American Legion Posts in Florida, and other veterans', fraternal, or benevolent organizations of national scope.

*Public places* shall be deemed to include all privately owned properties set aside to be used for public access and use and exposed to public view.

*Restaurant* means any business or establishment licensed by the state hotel and restaurant commission which obtains the majority of its annual gross income from the sale of food and nonalcoholic beverages prepared, served and consumed on the premises. For purposes of this chapter, *restaurant* does not include or refer to private clubs.

*Sale* means any transfer of an alcoholic beverage for a consideration, and 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 or permitting an alcoholic beverage to be served or consumed in any place holding a license under the division of alcoholic beverages and tobacco.

*Standard License* means the right to sell beer and wine.

*Vendor* means any person selling or offering for sale or keeping with the intention of selling ~~beer or wine~~ alcoholic beverages as defined herein.

*Wine* means the product of the normal alcoholic fermentation of fresh fruit with the usual treatment and necessary additions to correct defects, including champagne, sparkling and fortified wines of any alcoholic content not to exceed 14 percent by volume.

**Sec. 6-2. - License required.**

(a) From and after the date when this article becomes effective, no person shall engage in, manage, operate or cause to be operated the business of vendor, as defined hereto, without first procuring ~~a town license, as applicable, a Standard License or both a Standard License and Liquor License from the Town~~ as herein provided and paying the amount hereinafter fixed and required by this article. Such person shall make sworn application to the town council through the town clerk, which application shall show the name, occupation and place of business, together with such information as may be required by the town council. A copy of the approved state application and background check shall be provided to the town upon applying for a town license.

(b) Such application, together with a notice as to when said application will be considered by the town council, shall be advertised in a newspaper of general circulation and posted at the town hall for a period of two weeks immediately prior to the date of the hearing thereof, at which time any person interested may appear and object to the granting of said license to said applicant. Thereafter, the town council shall consider said application and either grant or reject the same according to its best judgment and discretion.

(c) Where such applicant shall have been issued a license under this article or prior ordinances and such licenses and continuations thereof have not been revoked and the qualifications not impaired, such applicant shall be entitled to receive licenses for succeeding years as a matter of course by application to the town clerk.

(d) A Standard License is required as a prerequisite for issuance of any Liquor License.

**Sec. 6-9. - Amount of license fee.**

(a) The Standard License ~~license~~ fee shall be \$500.00 per year.

(b) The Liquor License fee shall be \$1,000.00 per year, and is in addition to the Standard License fee.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision

and such holding shall not affect the validity of the remaining portion hereto.

**Section 4.** Any and all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 5.** This Ordinance shall become effective upon the passage of this Ordinance.

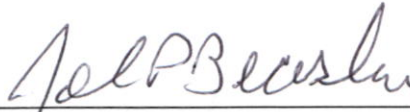
ADOPTED THIS 20<sup>th</sup> DAY OF Dec, 2018.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seal the 20<sup>th</sup> day of Dec, 2018.


Signed, sealed and delivered in the presence of:

TOWN OF HILLIARD, FL

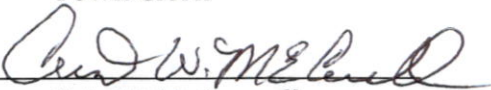
By:

  
\_\_\_\_\_  
John P. Beasley  
Council President


Attest:

  
\_\_\_\_\_  
Lisa Purvis  
Town Clerk

Approved:

  
\_\_\_\_\_  
Cris W. McConnell  
Mayor

Approved as to legal form:

  
\_\_\_\_\_  
Reba Abraham Pearce  
Town Attorney

Date of Town Council First Reading:	November 26, 2018
Dates of Town Council Publications:	December 5, 2018
Dates of Town Council Public Hearings:	December 20, 2018
Date of Town Council Second Reading:	December 20, 2018
Date of Town Council Final Passage:	December 20, 2018