

**INFORMATION SHEET  
CITY OF INDIAN ROCKS BEACH  
REQUIREMENTS FOR ALCOHOLIC BEVERAGE DESIGNATION**

PRIOR TO RECEIVING AN ALCOHOLIC BEVERAGE LICENSE AND OPENING FOR BUSINESS, A NEW OWNER MUST COMPLY WITH THE FOLLOWING:

- **Apply to the State of Florida for an alcoholic beverage license**
- **Prior to the serving of any alcoholic beverage under the new owner's name, you must:**
  - a) An updated survey of the property (Section 3-3.1 (a) (3)).
  - b) State of Florida Alcoholic Beverage Application, must be submitted at the time of application.
  - c) A completed Alcoholic Beverage Designation Request with all the information filled in and a check for \$250.00 plus the cost of advertising.

THIS INFORMATION AND THE CHECK MUST BE SUBMITTED BY THE 3<sup>RD</sup> TUESDAY OF THE MONTH PRECEDING THE MONTH THE ITEM IS TO APPEAR BEFORE THE CITY COMMISSION MEETING.

- **Upon Approval by the City Commission at their regular meeting, the owner is notified that he/she may pick up the signed application at City Hall within two days of the meeting.**

Information Telephone No. 517-0404 - Community Development Dept

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Date: \_\_\_\_\_

- 
- Map of Area showing Distance Requirements**
  - Survey of the Property**
  - Application plus \$250 fee**
  - Date due \_\_\_\_\_**
  - Zoning Approval \_\_\_\_\_**
  - Background Check**
  - Notarized Statement from property owner, if not owned by applicant**



\$250 Application Fee Paid on \_\_\_\_\_  
Initials \_\_\_\_\_

DATE \_\_\_\_\_

**ALCOHOLIC BEVERAGE DESIGNATION REQUEST**

Establishment Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

LEGAL DESCRIPTION \_\_\_\_\_

APPLICANT NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

Phone \_\_\_\_\_ Drivers License # \_\_\_\_\_

Date of Birth \_\_\_\_\_

BEVERAGE DESIGNATION REQUESTED \_\_\_\_\_ Floor Area \_\_\_\_\_

Seating: Interior # \_\_\_\_\_ Exterior # \_\_\_\_\_ Parking Spaces # \_\_\_\_\_

Distance Requirements:

CHURCH \_\_\_\_\_ YOUTH RECREATION AREA \_\_\_\_\_

SCHOOL \_\_\_\_\_ Closest Alcoholic Beverage Establishment(s) \_\_\_\_\_

(Exception to Distance Requirement: Restaurants applying for a 1-COPR and 2-COPR Alcoholic Beverage Designation)

I, \_\_\_\_\_ certify the above information to be true & correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ who has produced a FL/DL # \_\_\_\_\_ Expires \_\_\_\_\_ as identification and who did not take an oath.

\_\_\_\_\_  
Notary Public of Florida

Office Use:

Property Zoned (use) \_\_\_\_\_  
Survey Attached \_\_\_\_\_

Notarized Statement from Property owner, if not the Applicant \_\_\_\_\_

Review: Sheriff's Office \_\_\_\_\_  
Community Development Department \_\_\_\_\_



## ARTICLE I. IN GENERAL

### Sec. 6-1. Definitions.

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

*Alcoholic beverages* means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though the remainder ingredients were distilled water.

*Church* means a place where persons regularly assemble for religious instruction.

*Club* means a group of persons associated together as a duly chartered or incorporated club. Such bona fide chartered or incorporated clubs at the time of their application for a license to sell alcoholic beverages shall have been in continuous active existence and operation for a period not less than two years in the city.

*Establishment dealing in alcoholic beverages* means any business or establishment licensed by the state for the sale of any alcoholic beverages.

*Premises* means that portion of the property where the licensed activity is to take place.

*Restaurant* means an establishment having necessary equipment to cook, prepare and serve full-course meals.

*School* means a place of instruction or education, whether maintained at public or private expense.

*Vendor, manufacturer and distributor* shall be defined as they are defined by F.S. §§ 561.01—568.14.

(Code 1980, § 2A-2; Code 1989, § 3-1)

**Cross reference**—Definitions generally, § 1-2.

### Sec. 6-2. Purpose of chapter.

This chapter is enacted to provide uniform regulations pursuant to the authority granted by F.S. § 562.45(2) for all establishments in the city

dealing directly or indirectly with the sale or consumption of alcoholic beverages, and this chapter shall be construed to effectuate this purpose. (Code 1980, § 2A-1; Code 1989, § 3-2)

### Sec. 6-3. Hours of sale.

(a) *Generally.*

(1) There are hereby established the following hours of closing in the city:

- a. All establishments in the city dealing in alcoholic beverages, public or private, either directly or indirectly, shall remain closed from the hour of 2:00 a.m. to 8:00 a.m. on each day of the week except Sunday.
- b. All such business establishments shall remain closed on each Sunday from the hour of 2:00 a.m. to 11:00 a.m.

(2) Nothing contained in this section shall be construed to prevent a vendor of any establishment dealing in alcoholic beverages, or firefighters or law enforcement officers (in performance of their duties) from entering, being or remaining in such establishment and engaged in duties other than the sale or serving of alcoholic beverages.

(3) This subsection shall not be construed to impose a requirement other than that the business establishment may not sell or dispense alcoholic beverages except during the hours provided in this subsection.

(b) *Exceptions.* The provisions of this section shall not apply to the following:

(1) Establishments licensed under F.S. §§ 563.02(1)(a), 564.02(1)(a) and 565.02(1)(a) for package sales only are specifically included in the provisions of this section with the exception that such establishments shall not dispense:

- a. Beer or wine between the hours of 12:00 midnight and 8:00 a.m. each weekday, and between the hours of 12:00 midnight and 11:00 a.m. Sunday; or

b. Liquor between the hours of 12:00 midnight and 8:00 a.m. each week-day, and between the hours of 12:00 midnight Saturday and 8:00 a.m. Monday.

- (2) Establishments licensed to sell alcoholic beverages for consumption on the premises shall not dispense liquor for consumption off-premises between the hours of 1:00 a.m. Sunday and 8:00 a.m. Monday. However, such establishments may dispense packaged beer or wine during such hours for consumption off the premises.
- (3) Drugstores or prescription shops dealing only in medicine and drugs dispensed for medical purposes are excepted from this section.

(Code 1980, § 2A-7; Code 1989, § 3-10; Ord. No. 2003-23, § 1, 11-25-2003)

**State law reference**—Authority to regulate hours of sale, F.S. § 562.45(2)(a).

**Sec. 6-4. Possession and consumption prohibited in certain places; open containers; bottle clubs.**

(a) It shall be unlawful for anyone who sells or causes to be sold any alcoholic beverages to allow such beverages to be consumed on the premises where the alcoholic beverages are sold or on any other premises under the control, whether directly or indirectly, of the licensee, except within the area which is licensed for such sales. A licensee who also sells food for consumption on the premises may designate an outside area for the consumption of food and alcoholic beverages.

(b) It shall be unlawful for anyone to consume any intoxicating liquors, wines or beer on the premises where alcoholic beverages are sold or on any other premises under the control, either directly or indirectly, of the licensee, except within the area which is licensed for such sales or in an area designated for outside consumption of food and beverages by a licensee who also sells food for consumption on the premises.

(c) It shall be unlawful for anyone to consume any alcoholic beverages off licensed premises within 500 feet thereof, except within enclosed buildings

or on premises occupied solely by residential structures. The distance set forth in this subsection shall be measured by following a straight line from that portion of any structure licensed for dealing in alcoholic beverages nearest to the place of violation of this subsection.

(d) It shall be unlawful for any person to sell, serve, dispense, use, consume or drink any alcoholic beverage, or to possess any opened or unsealed container containing any alcoholic beverage, within the following places:

- (1) On or in any public beach. A person is on or in a public beach when such person is walking or physically located on the sand area composing the beach or is within or upon a vehicle or any other form of conveyance.
- (2) On or in any street, alley, sidewalk, parking lot or right-of-way. A person walking, standing or otherwise physically located within the places enumerated in this subsection, or a person within or upon any vehicle or other form of conveyance, shall be considered a person on or in any street, alley, sidewalk, parking lot or right-of-way.
- (3) On or in any street end fronting on the Gulf of Mexico in the city. A person walking, standing or otherwise physically located within the area designated in this subsection, or a person within or upon any vehicle or other form of conveyance, shall be considered a person on or in any street end fronting on the Gulf of Mexico in the city.
- (4) On or in any public park in the city. For the purposes of this section, the term "park" shall be construed to mean all dedicated parks and athletic fields, and all grounds used by the city for park or playground purposes. A person walking, standing, or otherwise physically located within the area designated in this subsection, or a person located in or upon any vehicle or other form of conveyance, shall be considered a person on or in any public park in the city.

- (5) On or in the exterior doorways and entrances to all buildings except residential buildings. This prohibition shall not be construed to apply to that portion of any building or dwelling licensed for the sale and consumption of beer, wine, or other alcoholic beverages.

(e) A container shall be considered opened or unsealed if the seal has been broken or the pop-top can or top has been opened.

(f) There shall be no bottle clubs in the city.

(g) The city commission shall have the specific authority to issue permits for special activities in the city to allow for open containers in areas other than enclosed buildings, or on premises used solely for residential purposes, to include hotels, motels and boardinghouses.

(Code 1980, § 2A-9; Code 1989, § 3-12)

**Sec. 6-5. Minors on premises of vendors; employment of minors by vendors.**

Employment of minors by certain vendors is prohibited unless permitted by F.S. § 562.13. It shall be unlawful for any minor to loaf or loiter in any establishment for the sale of alcoholic beverages and unlawful for any minor to enter a place for the sale of alcoholic beverages unaccompanied by his parent or lawful guardian. No person who is a vendor of alcoholic beverages shall allow any minor to loiter or loaf in such establishment dealing in alcoholic beverages, or permit any minor to enter his place of business unaccompanied by the minor's parent or lawful guardian.

(Code 1980, § 2A-13; Code 1989, § 3-13)

*State law reference*—Employment of minors, F.S. § 562.13.

**Secs. 6-6—6-30. Reserved.**

**ARTICLE II. LOCATION OF ALCOHOLIC BEVERAGE ESTABLISHMENTS\***

**Sec. 6-31. Use designation categories.**

The following shall govern in establishing alcoholic beverage designations within the city:

- (1) 1APS: Beer package sales.

\**Cross reference*—Zoning, ch. 110.

*State law reference*—Authorization to regulate location of alcoholic beverage establishments, F.S. § 562.45(2).

- (2) 1COP: Beer, consumption on premises, package sales.
- (3) 1-COP restricted: Beer, consumption on premises only.
- (4) 2APS: Beer and wine, package sales only.
- (5) 2COP: Beer and wine, consumption on premises and package sales.
- (6) 2-COP restricted: Beer and wine, consumption on-premises only.
- (7) PS: Liquor, package sales.
- (8) 4COP: Liquor, consumption on-premises and package sales.
- (9) 4-COP restricted: Liquor, consumption on-premises only.
- (10) 4-COPSRX: Consumption on-premises only, special restaurant.
- (11) 11C: Chartered, incorporated and social clubs.

(Code 1980, § 2A-3; Code 1989, § 3-3)

**Sec. 6-32. Application for approval of location.**

(a) Any person, before starting any business dispensing alcoholic beverages subject to licensing by the state, shall file with the city an application to conduct such business at a definite location on the form provided by the city with all requested information furnished as follows:

- (1) The name and address of the applicant.
- (2) If the applicant is the lessee or tenant, a notarized statement by the owner consenting to the application.
- (3) The legal description of the property where the business is located, including a survey which clearly sets out the location of the building.
- (4) The street address of the property.
- (5) The alcoholic beverage classification requested.
- (6) A statement that the building where the establishment will be located exists or

that the building plans for such building have been filed and a building permit obtained.

(b) The fee for such application shall be established by the city commission and is listed in chapter 15, Schedule of fees; and each request must be approved by the city commission established by resolution and periodically adjusted by the city commission.

(c) Applications will be reviewed by the designated law enforcement agency and the community development department for compliance with this chapter and forwarded to the city commission at the time of hearing on the application.

(d) A representative of the designated law enforcement agency or city employees authorized by the city manager shall be authorized to make inspection of each establishment at any reasonable time to determine whether or not the provisions of this chapter or any other Code section or state statute are being fully complied with. Where a representative of the designated law enforcement agency, city employee authorized by the city manager, or the fire chief or designated representative is refused entry, then where the subject matter pertains to this Code or the fire, health, zoning, electrical or plumbing codes, an administrative search warrant shall be obtained pursuant to F.S. § 933.21.

(e) Alcoholic beverage use designations are approved for a specific property location (i.e., building, lounge, restaurant, store) and a specific applicant. Any change in ownership of the establishment will require the filing of a new application and approval by the city commission. A change in ownership shall include the purchase or acquisition of 50 percent plus one share or more of stock and/or assets of the corporate entity, partnership or similar ownership entity. (Code 1980, § 2A-1; Code 1989, § 3-3.1; Ord. No. 97-14, § 2, 8-20-1997; Ord. No. 2003-16, § 1, 11-25-2003)

**Sec. 6-33. Authority of city commission to designate locations; variances.**

(a) The city commission shall have the power to designate the location and classification, including restrictions agreed to by a licensee, for which the sale of alcoholic beverages may be permitted. These areas are on file with the city.

(b) Variances to the distance requirements may be approved by the city commission where the city commission finds that an unnecessary hardship exists and the granting of the variance will not be injurious to the community.

(Code 1980, § 2A-4; Code 1989, § 3-4)

**Sec. 6-34. Location restrictions.**

(a) It shall be unlawful for any vendor to offer for sale any alcoholic beverages or package liquors or to locate, keep, or maintain any establishment dealing in alcoholic beverages or package liquors in any area other than those designated by the city commission.

(b) It shall be unlawful for any vendor to maintain any establishment or locate any establishment within 500 feet of any established church or public or private school, city youth center or youth recreation area or another establishment already licensed for the sale of alcoholic beverages or package liquors, excluding restaurants with a 1-COP restricted or 2-COP restricted license. The distance shall be measured as follows:

- (1) Starting at the main entrance of the applicant's establishment, (i) measure directly out at 90 degrees to the edge of the right-of-way or sidewalk running parallel to the thoroughfare the establishment fronts on; then (ii) measure along the edge of the right-of-way or sidewalk to a point directly in front of and at 90 degrees to the entrance of the closest establishment dealing in alcoholic beverages or package liquors; then (iii) measure from that point at the right-of-way or sidewalk directly 90 degrees to the entry door of the existing establishment (see diagram A at the end of this section).
- (2) If the main entrance of the new or existing establishment is on the side of the building, measure directly out ten feet from the building; then turning 90 degrees continue directly toward the thoroughfare and measure to the edge of the right-of-way; then turning 90 degrees continue measurement along the right-of-

way or sidewalk, following the prescribed measurement formula (see diagram A at the end of this section).

- (3) If the main entrance of the new or existing establishment is on the side of the building, then measure directly out ten degrees from building; then turning 90 degrees continue measurement along right-of-way or sidewalk, following the prescribed measurement formula (see diagram A at the end of this section).
- (4) If there is a youth recreation area, youth center, public or private school, or church within the area, measure from the applicant's main entrance, following the prescribed measurement formula to the nearest point (property line corner) of the properties involved (see diagram B at the end of this section).

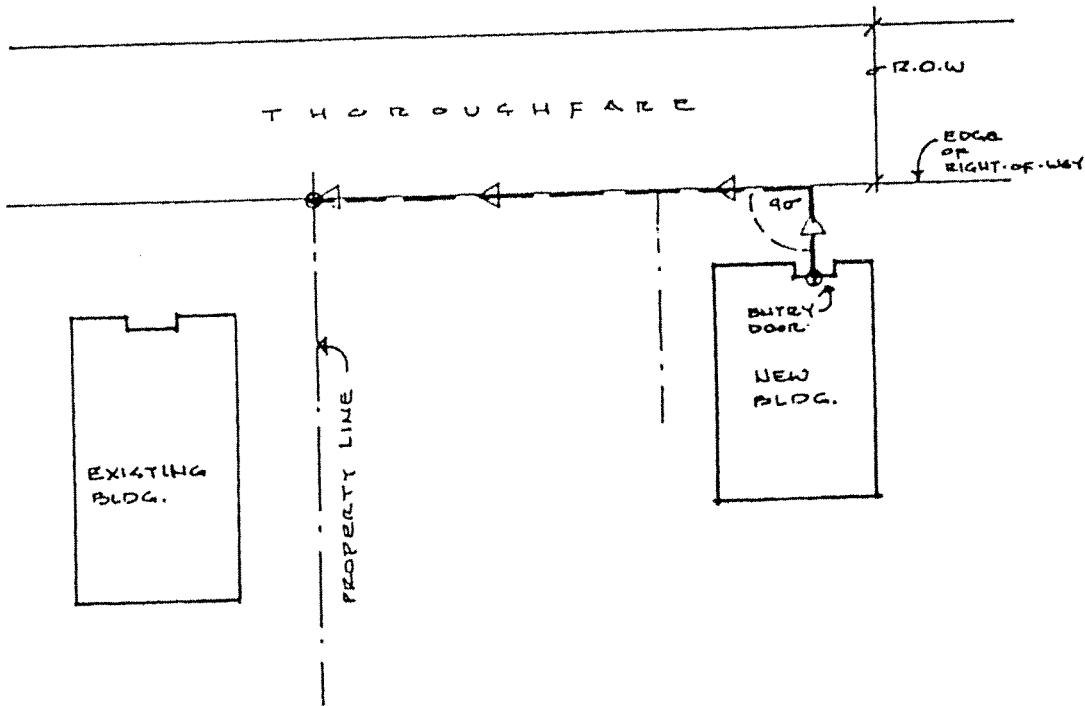
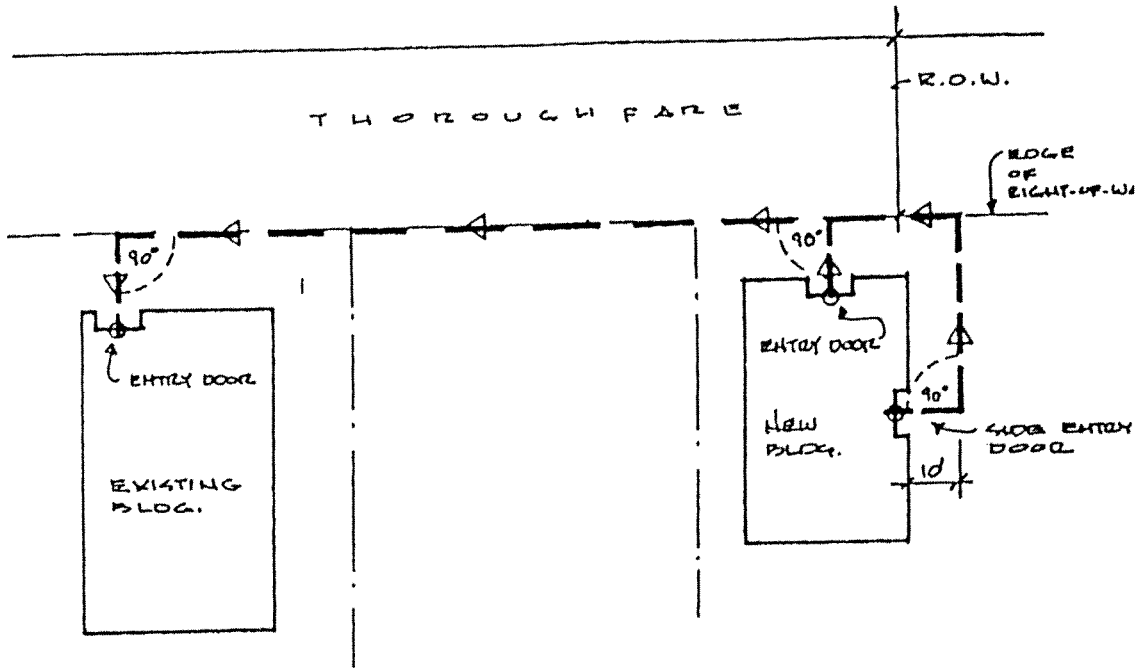
The applicant shall submit a legal survey or other acceptable certified measurement showing the distances calculated by the prescribed measurement formula.

(c) A business with the principal occupation of a restaurant, defined as an establishment having necessary equipment to cook, prepare and serve full-course meals (51 percent food sales plus 49 percent beer and wine sales) shall be exempt from the distance requirements providing the applicant requests a 1-COP restricted or 2-COP restricted license only.

(d) Zoning approval must be secured for 1APS applications that fall under the following categories:

- (1) All new applications.
- (2) Change of location.
- (3) Change of alcoholic beverage license to 1APS.
- (4) Amended sketch of the floor plan that would extend the premises beyond the current approved floor plan.

(Code 1980, § 2A-5; Code 1989, § 3-5; Ord. No. 492, 2-20-1991)



**Sec. 6-35. List of approved designated use areas and licenses.**

The list of approved designated use areas and permitted licenses will be on file at the city. All approved use areas are approved under the provisions of this chapter.

(Code 1980, § 2A-6; Code 1989, § 3-6)

**Sec. 6-36. Effect of abandonment of property or nonrenewal of state license.**

(a) If a property that has an approved alcoholic beverage use designation fails to open within six months of the original designation, or ceases to operate, or is abandoned for a period of six months or longer, or if a property that has an approved alcoholic beverage use designation fails to renew the state alcoholic beverage license by October 1 of each year, such use designation shall be considered null and void.

(b) The city commission shall then have the authority to revert the property to an undesignated status pursuant to the procedures contained in sections 6-37 and 6-38.

(Code 1980, § 2A-10; Code 1989, § 3-7)

**Sec. 6-37. Grounds for removal of use designation.**

The city commission, after conducting a public hearing and by majority vote, is authorized to revert to an undesignated status any property which has been designated for the sale of any type of alcoholic beverages or from which any type of alcoholic beverages may lawfully be sold or consumed within the corporate limits of the city, whenever it is determined that the owner of such property or the owner or holder of the alcoholic beverage license pertaining to such property, or their agent or employee, has committed, or have been convicted of, or have allowed or caused or permitted to exist, any one or more of the following:

- (1) Commission of an act amounting to a felony under the laws of the state or the United States of America, whether convicted or not.

- (2) The maintaining or allowing of a nuisance on such property. For purposes of this subsection, the term "nuisance" shall mean engaging in any activity or permitting any activity or noise on the licensed premises, including the real property associated with the licensed premises, such as to repeatedly or intermittently annoy, disturb, injure, or tend to annoy, disturb, injure or endanger the comfort, repose, peace or safety of any person.
- (3) Engaging in or permitting disorderly conduct on or about such property.
- (4) Failing to comply with any of the provisions of the fire prevention code after having received reasonable notice to eliminate or correct any condition existing on such property that is in violation of such code.
- (5) Conviction for selling, giving, serving or permitting to be served alcoholic beverages to persons under 21 years of age, or as prescribed by state law, or permitting a person under 21 years of age, or as prescribed by state law, to consume alcoholic beverages on such property.

(Code 1980, § 2A-11; Code 1989, § 3-8)

**Sec. 6-38. Procedure for removal of use designation.**

Whenever the city commission shall find that the owner of any property which has been designated for the sale of any type of alcoholic beverages or from which any type of alcoholic beverages may be lawfully sold or consumed, or the holder of the alcoholic beverage license pertaining to such property, or their agent or employee, has committed or has been convicted of, or has allowed or caused or permitted to exist, any one or more of the enumerated items contained in sections 6-37 and 6-38, it shall notify the owner of such property or the holder of the alcoholic beverage license pertaining to such property of its intention to consider removing the alcoholic beverage use designation attached to such property, and shall grant the affected party a public hearing at a time and place to be specified in such notice.

(Code 1980, § 2A-12; Code 1989, § 3-9)

**Secs. 6-39—6-60. Reserved.****ARTICLE III. CONDUCT IN ALCOHOLIC BEVERAGE ESTABLISHMENTS****Sec. 6-61. 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 beverage establishment* means an establishment licensed by the state to sell any alcoholic beverage for consumption on the premises.

*Establishment* means a physical place or location where the commercial activities or operations are being conducted or both together, as the context of this article may require, located within the city.

*Permit* means to know or have reasonable cause to know an activity is occurring and to fail to make a reasonable and timely effort to halt or abate such activity.

*Premises* means a physical place or location which is enclosed by walls or by any other enclosing structural device, which is covered by a single roof, and shall include any structures or land, or contiguous structures or land, within 300 feet of the physical place or location where such structure or land in the physical place or location is under common ownership, control, and possession.

(Code 1989, § 3-15; Ord. No. 540, § 1, 10-20-1993)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 6-62. Statutory and constitutional authority.**

This article is enacted in the interest of the health, safety and welfare of the citizens and inhabitants of the city, pursuant to the state constitution, art. VIII, § 2(b), under the regulatory power of the 21st Amendment of the Constitution of the United States, and pursuant to F.S. § 562.45(2)(b).

(Code 1989, § 3-16; Ord. No. 540, § 2, 10-20-1993)

**Sec. 6-63. Prohibited acts.**

(a) *Exposure of specified bodily areas.* It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment, or his employee, agent, servant, and any entertainer employed at the licensed premises or employed on a contractual basis, and for any patron, customer or spectator, to appear on an alcoholic beverage establishment's premises in such a manner or attire as to expose to public view, or to employ any device or covering that is intended to give the appearance of, any portion of the pubic area, anus, vulva or genitals, or, if such person is a female, the area of the breasts directly or laterally below the top of the areola.

(b) *Permitting violation of subsection (a).* It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment to permit any violation of subsection (a) of this section.

(c) *Lap dancing or private tableside dancing.* It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment, or his employee, agent, servant and any entertainer employed at the licensed premises or employed on a contractual basis, to engage in any activity commonly referred to as lap dancing or private tableside dancing, whereby the person intentionally sits upon or rubs against the clothed or unclothed genitals, vulva, anus or buttocks of any patron, customer or spectator therein in exchange for receiving a tip, donation, gratuity or anything of value, including but not limited to money. It shall be unlawful as well for the patron, customer or spectator upon whose body the lap dancer or private tableside dancer is committing the activity proscribed by this subsection to permit the activity to occur. This section does not apply to acts done for bona fide medical purposes.

(d) *Permitting violation of subsection (c).* It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establishment to permit any violation of subsection (c) of this section.

(e) *Screened areas prohibited.* It shall be unlawful for any person owning, maintaining, operating or leasing an alcoholic beverage establish-

ment to permit the construction, maintenance or use of areas completely or partially partitioned, curtained or screened from public view that are permitted to be used for the activities proscribed in subsection (c) of this section.  
(Code 1989, § 3-17; Ord. No. 540, § 3, 10-20-1993)

