

ORDINANCE NO. 97 - 2

SECRETARY OF STATE

JUL 7 10 48 AM '97

FILED

AN ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES OR THE POSSESSION OF OPEN CONTAINERS THEREOF AT CERTAIN PUBLIC RECREATION AREAS IN CALHOUN COUNTY, FLORIDA; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY AND REPEALER, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has by Florida Statutes Section 316.1936 (as amended by Laws of Florida Chapter 88-22 effective 10-1-88) recognized the public hazard and cost involved in the consumption of alcoholic beverages or possession of open containers thereof in motor vehicles; and

WHEREAS, the Legislature has empowered, by Florida Statutes Sections 316.1936(7) and 396.161, the enactment of local ordinances relating to the consumption of alcoholic beverages in circumstances involving the operation of motor vehicles, machinery or other hazardous equipment; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, has determined as a matter of fact that the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages at certain locations within the county are deleterious to the public health and safety and welfare; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, has determined as a matter of fact, that the areas referred to herein are customarily frequented by persons operating motor vehicles and other machinery or equipment, or engaging in swimming or recreational activities, which operations and activities are rendered more dangerous by the nearby presence of persons consuming or having immediate access to alcoholic beverages; and

CERTIFIED A TRUE COPY  
*Willie D. Wise*  
WILLIE D. WISE  
CLERK CIRCUIT COURT  
CALHOUN COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, has determined as a matter of fact, that the imposition of reasonable restrictions on the consumption of alcoholic beverages and the possession of open containers in certain areas will enhance the safe operation of motor vehicles and in other activities at those areas;

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

This ordinance of Calhoun County, Florida be the same as hereby enacted to read as follows:

1. **Common Title:** This ordinance shall be known and may be cited as the Open Container Ordinance.

2. **Definitions:**

A. "Open Container" shall mean in any container which is immediately capable of being consumed from, or the seal of which has been broken.

B. "Within the vicinity of" shall mean within 750 feet of any of the areas specifically named herein (or any portion of said area), provided that there is located within 750 feet of said area (or any portion thereof) any motor vehicle or on-going recreational activity, any flotation device or other machinery.

C. "Public Property" shall include the property owned by Calhoun County, Florida, described in Exhibit "A" annexed hereto.

3. It shall be unlawful for any person to possess and no person shall possess any open container of an alcoholic beverage on any public property as herein defined.

4. It shall be unlawful for any person to consume, and no person shall consume, any alcoholic beverages on any public property as herein defined.

5. **Penalties:** Any person who violated any provision of this ordinance shall be guilty of a misdemeanor of the second degree, punishable as provided by general law.

6. **Severability and Repealer:** If any subsection, section, paragraph, sentence, clause or phrase of this ordinance is held for any reason to be unconstitutional, void or invalid for any reason, the validity of the remaining portion of the ordinance shall not be affected thereby. All other ordinances or portion of ordinances in force at the time this ordinance becomes effective which are in conflict with any provision hereof, shall be deemed to have been repealed and are repealed to the extent of any such conflict; otherwise to remain in full force and effect.

7. **Effective Date:** This ordinance shall become effective as provided by law.

THE FOREGOING ORDINANCE WAS ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, this the 1st day of July, 1997.

  
DONNELL WHITFIELD  
Chairman


ATTEST:  
  
WILLIE D. WISE  
CLERK

EXHIBIT "A"

CALHOUN COUNTY PARKS & BOAT RAMPS

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Chipola River Park	6	1 South	9 West
Stone's Landing	12	3 South	10 West
Cypress Creek	12	3 South	10 West
Oak Grove	12	3 South	10 West
Sam Atkins Park	30	1 North	8 West
Ocheesee Landing	7	2 North	7 West
John Redd Landing	7	1 North	8 West
Johnny Boy Landing	19	2 North	9 West
Parrish Lake Landing #1	14	1 North	8 West
Parrish Lake Landing #2	15	1 North	8 West
Henderson Mill	18	2 North	8 West
4 Mile Creek Park	31	1 North	9 West
C.W. Shelton Park	36	2 North	10 West
Lamb Eddy Landing	8	1 North	9 West
Pine Island Volunteer Fire Dept.	21	1 North	8 West
Red Oak Volunteer Fire Dept.	16	1 North	9 West
West End Volunteer Fire Dept.	31	1 North	9 West
County Road Yard	31	1 North	8 West
Scotts Ferry Volunteer Fire Dept.	21	2 South	9 West
Kinard Volunteer Fire Dept.	33	2 South	10 West
Neal's Landing	4	1 South	8 West
Hugh Creek Library	31	1 South	8 West

Cooper's Park	33	1 North	8 West
Clay Mary Park	33	1 North	8 West
Scout Hut/Park	33	1 North	8 West
Calhoun County Courthouse	33	1 North	8 West
Willis Bridge	32	2 North	9 West