

ATTACHMENT 1

ORDINANCE NUMBER 1120-2021

AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO CODE OF ORDINANCES CHAPTER 6 REPEALING THE SEPARATION REQUIREMENTS FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; AMENDING THE PROVISIONS REGARDING THE CONSUMPTION OF ALCOHOL IN PUBLIC PLACES; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. Findings.

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Quincy, Florida, a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, City Code of Ordinances Sec. 6-1 establishes, among other things, separation distances between business establishments selling alcoholic beverages and other land uses in the City including churches, schools, County Courthouse, City Hall, cemeteries, day care centers and other like kind establishments including package stores; and

WHEREAS, City Code of Ordinances Sec. 6-4 establishes, prohibited public places for the consumption of alcoholic beverages; and

WHEREAS, the City Commission has carefully weighed and considered the concern for limiting the proliferation of businesses selling alcoholic beverages as compared to the need for greater flexibility in the location of businesses to promote and encourage economic development and investment; and

WHEREAS, this Ordinance is consistent with, and in the interest of, protecting and promoting the public health, safety and welfare.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF QUINCY, FLORIDA, AS FOLLOWS:

SECTION 2. Amendments of Code of Ordinances Chapter 6, Sections 6-1 and 6-4. Code of Ordinances Chapter 6, Sections 6-1 and 6-4 are hereby amended as follows:

Chapter 6 – ALCOHOLIC BEVERAGES

Sec. 6-1. - Location of alcohol-related business.

- (a) It shall be unlawful for any person licensed under the state beverage law to conduct, operate or carry on any place of business for the sale of alcoholic beverages within the following places:

All parts of the city except those portions thereof lying along the commercial transportation corridors of U.S. Highway 90, State Road 267, the nine (9) block downtown district and Crawford Street located within the Quincy Community Redevelopment District and or on lands zoned C-1, C-2, LC-1 (subject to section 46-172: Special Uses) and M-1 as shown upon and according to the present official zoning map of the city that exists on ~~August 28, 2012~~ July 1, 2021 (attached as exhibit A; provided, however, that no subsequent change, addition or alteration of any such zone shall in any way enlarge, alter, restrict or change any area within the city insofar as the provisions of this chapter are concerned, unless otherwise provided by ordinance. The distance requirements set forth below are applicable to all establishments except in the case of restaurants located on the corridor which shall be subject to only paragraphs ~~(1) (churches), (2) (1) (schools), and (5) (distance from another alcohol-related business)-~~ (2) (city hall).

~~(1) No package store, lounge, convenience store (selling alcohol beverage of any kind) or establishment selling any alcoholic beverage that does not exist on the effective date of the ordinance from which this chapter derives shall be located 150 feet of an existing established church, which distance shall be measured along the shortest straight line from the nearest point of the property on which the place of business is located to the nearest point of the property on which the church is located and in use for religious purposes~~

~~(2) (1) No package store, lounge, convenience store (selling alcohol beverage of any kind) or establishment selling any alcoholic beverage shall operate 750 500 feet of a school, which distance shall be measured along the shortest straight line from the nearest point of the property on which the place of business is located to the nearest point of the school grounds in use as part of the school facilities.~~

~~(3) No package store, lounge, convenience store (selling alcohol beverage of any kind) or establishment selling any alcoholic beverage shall operate 150 feet of the county courthouse, which distance shall be measured along the shortest straight line from the nearest point of the property on which the place of business is located to the nearest point of the property on which the county courthouse is located, except for bona fide restaurants, and special events when a permit has been approved and issued by the city commission.~~

~~(4) (2) No change~~

~~(5) No lounge, convenience store (selling alcohol beverage of any kind) or establishment selling any alcoholic beverage shall operate (however see subsection (8), package stores below) 150 feet of any other established, location in the city for which a license has been issued under the state beverage law, which distance shall be measured along the shortest straight line between the nearest point of the respective properties on which the places of business are located, except for bona fide restaurants located in the downtown district area and special events when a permit has been approved and issued by the city commission.~~

~~(6)~~ (3) No change

~~(7) No lounge, convenience store (selling alcohol beverage of any kind) or establishment selling any alcoholic beverage shall operate on all portions of those blocks adjoining the courthouse square or those blocks within one block of the courthouse square, which portions are beyond 150 feet of the county courthouse, except bona fide restaurants, and special events when a permit has been approved and issued by the city commission.~~

~~(8) No package stores location in the city for which a license has been issued under the state beverage law shall be within one mile of each other, which distance shall be measured along the shortest straight line between the nearest point of the respective properties on which the place of business are located. All package stores must be located along the identified commercial transportation corridor within the City of Quincy indicated in paragraph (a) above.~~

~~(9)~~ (4) No change

(b)-(e) No change.

Sec. 6-4. - Consumption in public places.

No person shall partake of any alcoholic beverage upon the public streets or alleys, parks, recreation areas, sidewalk, cemeteries, playgrounds or athletic stadiums of the city. Except to the extent otherwise specifically permitted, no person shall consume any alcoholic beverage while such person is located in or upon any public street, road, alley, lane or sidewalk of the city or upon the premises of any building owned or leased by the city or upon the premises of any other property, either real or personal, owned or leased by the city. Functions sponsored by the city, Quincy CRA, any other governmental unit or any not-for-profit (as designated by the Internal Revenue Service and Florida Division of Corporations) approved by the Quincy City Manager.

SECTION 3. Severability.

If any portion of this Ordinance is deemed by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then the remaining provisions and portions shall remain in full force and effect.

SECTION 4. Copy on File.

A certified copy of this Ordinance shall be filed with the City Clerk of the City of Quincy.


SECTION 5. Effective Date.

This Ordinance shall take effect upon passage.

INTRODUCED on first reading in open session of the City Commission of the City of Quincy, Florida, on this 13th day of July, A.D. 2021.


PASSED on second and final reading in open session of the City Commission of the City of Quincy, Florida, on this 27th day of July 2021.

APPROVED:



Ronita R. Harris, Mayor
Presiding Officer of the City Commission and
The City of Quincy, Florida

ATTEST:



Janice Shackelford Clemons
Clerk of the City of Quincy and
Clerk of the City Commission thereof