

ORDINANCE 2013- 10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, AMENDING SECTION 3-1 OF THE WALTON COUNTY CODE OF ORDINANCES; PROVIDING FOR THE EXCEPTION OF SCHOOLS BY WAIVER TO THE APPLICATION OF SET BACK REQUIREMENTS OF 3-1 OF THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds that the safety, health, and welfare of the citizens of Walton County would not be compromised by allowing establishments operating with state licenses to serve alcohol to be located closer than 500 feet with the consent of a school;

WHEREAS, the Board of County Commissioners finds that this is consistent with state law;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners to adopt the following:

Section 1. Authority; purpose and intent.

This ordinance is adopted pursuant to Section 125.01 Florida Statutes.

Section 2. Section 3.1 is amended to read:

Sec. 3.1. Location of vendors.

(a) *Definitions.*

Restaurant-is a public food services establishment as defined in F.S. § 509.013.

(b) *Minimum distance form churches, schools.*

- (1) A vendor with a place of business other than a restaurant which is licensed and required to be licensed under The Beverage Law as defined in F.S. [Chapter](#) § 561.01 shall not be located in the unincorporated areas of the county within 1, 320 feet of an established church or school.
- (2) A restaurant which derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages shall not be located within 500 feet of a church or school.
- (3) The distances shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance of the church, and in the case of a school, to the nearest point of the school grounds in use as a part of the school facilities. Where such established church or school is within the incorporated city or town and the vendor licensed or required to be licensed under The Beverage Law within the county or restaurant is

outside any incorporated city or town, then such vendor's place of business shall be located the same or a greater distance from such church or school as required by the ordinance of the incorporated city or town wherein such church or school is located. Where an established church or school is located in the county outside an incorporated city or town so near the corporate limit of any such city or town that under the ordinances of such city or town a vendor licensed or required to be licensed under The Beverage Law would be prohibited from establishing the vendor's business within a distance less than 1,320 feet of such church or school, then any such vendor or restaurant in the county outside such city or town may locate a place of business only at the same or greater distance from such church or school as any such vendor located within such incorporated city or town.

(c) Exception. Notwithstanding any other provision of this section, this section shall not apply to any vendor's or restaurant's place of business which:

- (1) Is licensed or required to be licensed under The Beverage Law for sale of wine or beer, as defined in such law, only for consumption off the vendor's premises.
- (2) Is licensed under The Beverage law on the effective date of Ord.No. 81-8 and continues in business operation continuously thereafter, provided that the revocation of the applicable license or the cessation of business operations for a period of more than 30 days shall be deemed not to be a continuous operation.
- (3) Receives a written waiver from the church or ~~school churches~~ where the vendor's or restaurant's place of business is located within the prescribed distance.
 - a. The waiver must be executed by the ~~proper~~ governing board or authority of the church or school. The governing board or authority shall be determined by Florida Statutes or the church or school's controlling documents.
 - b. This waiver shall be on a form prescribed by Walton County, Florida.

Section 3. Severability.

Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.

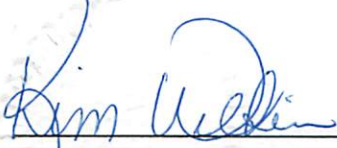
Section 4. Effective Date.

This ordinance shall take effect as provided by law.

Duly enacted by the Board of County Commissioners of Walton County, Florida at a regular meeting on the _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS

ATTEST:



for Alex Alford, Clerk of Court

BY:



Kenneth Pridgen, Chair