



City of Port St. Lucie

Planning & Zoning Department

DATE STAMP

ALCOHOLIC BEVERAGES LICENSE CHECK LIST **FOR ZONING REVIEW**

The following materials are required for a complete review of Alcoholic Beverage Licenses for zoning compliance by the Planning and Zoning Department:

- ___ State of Florida Application fully completed and signed.
- ___ Sections 1-4 are required to be fully completed by applicant.
- ___ City of Port St. Lucie Alcoholic Beverage License Application fully completed, including:
 - ___ Applicant to complete notification form on page 2.
 - ___ Applicant must complete all information on top of page 3.
 - ___ Applicant to review and acknowledge compliance with Ord. 06-107 and Ord. 08-111 and initial table with corresponding sections on pages 3 & 4.
 - ___ Applicant signature required on application along with notary signature and stamp on page 4.
 - ___ City staff to date stamp application.
- ___ Payment of \$400.00 fee.
- ___ City staff to add receipt to application package.

Temporary 1-2-3 day applications

Timeframe for review: Over-the-counter review if the reviewer is available to review the application. Otherwise, the reviewer will call the applicant to pick-up. The following materials are required for a complete review

- ___ State of Florida Application fully completed and signed.
- ___ Payment of \$35.00 fee.

NOTE:

All permanent license applications will be dropped off for review. After the application has been reviewed, the contact person listed on the application will be contacted for application collection.

Timeframe for review: Approximately 48 hours.

City staff will scan and save the application package before releasing.

Drop off application during business hours (M-F 8AM-5PM):

121 SW Port St. Lucie Blvd. Building B, Second Floor
Port St. Lucie, FL 34984
Office – 772-871-5213



City of Port St. Lucie

Planning & Zoning Department

NOTIFICATION

I ACKNOWLEDGE THAT REVIEW OF THE Alcoholic Beverage License for the location listed below by the City of Port St. Lucie is limited to compliance with the requirements of the local City Zoning Ordinance. I further acknowledge that this review does not address other issues or State of Florida requirements, such as those included in F. S. 562.45(2)(a) which requires a 500-foot separation distance between on-premises consumption of alcoholic beverages and schools.

Name of Applicant (Must be consistent with State application):

Business Address: _____

Business Address: _____

Contact Phone Number:

Date: _____



City of Port St. Lucie

Planning & Zoning Department

Acknowledgement of Compliance with Chapter 110, Alcoholic Beverages, City of Port St. Lucie Code of Ordinances as Amended by Ordinance 23-75

Business Name: _____
(Printed name of company)

Applicant: _____
(Printed name of person applying for permit)

Contact Name if different than applicant: _____

Phone Number

Email Address

Legal Description: _____
Lot Block Section

Parcel ID Number: _____

Subject Street Address: _____

Please initial which type of application is being requested:

New _____ Transfer _____ Renewal _____

WHEREAS, Applicant has agreed to comply with the aforementioned City Ordinance; and

WHEREAS, Applicant acknowledges they have read and understand the following ordinances, and agrees to be compliance, therewith Ordinance 06-107;

<i>Business Owner's Initial</i>	<i>Section Number of Ordinance</i>
	110.02 Proximity to Religious Institution or School.
	110.03 Hours of Sale
	110.04 Minors
	110.05 Possession of Open Containers
	110.06 Subsequent Establishment of Religious Institution or School
	110.09 Penalties and Fines



City of Port St. Lucie Planning & Zoning Department

Yes/No	Business Owner's Initial	110.07 Exception to Distance Requirements
		Please check yes or no and initial, if any of the following exemptions apply to your business.
		(a) Full-Service Restaurants
		(b) Publicly-Owned Facilities
		(c) Certain Bars/Nightclubs and Hotels or Motels
		(d) Packaged Sale of Beer and/or Wine

NOW, THEREFORE, the Applicant hereby acknowledges as follows:

1. The applicant is in total compliance with Chapter 110 of the City's Code Of Ordinances by this reference.
2. In consideration for the City reviewing the Application, Applicant hereby agrees to hold City, its agents, employees and affiliates, harmless from any and all manner of actions, causes of action, suits, damages, judgments, executions, claims for personal injury or property damage, demands or losses of any kind whatsoever, in law or in equity, which may arise as a result of Applicant's negligence to comply with Chapter 110 of the City's Code of Ordinances.

IN WITNESS WHEREOF, Applicant has executed this Acknowledgment on the date indicated below.

For Applicant By: (printed name)

Signature:

Date:

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me **by means of** ☐ **physical presence** or ☐ **online notarization**, this ____ day of _____, ____ (year), by _____ (name of person acknowledging), who is personally known to me or has produced _____ (type of identification) as identification.

Seal:

Signature

CHAPTER 110. - ALCOHOLIC BEVERAGES; SALE OF DRUG PARAPHERNALIA

Footnotes:

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Editor's note— Ord. No. 06-107, adopted Sept. 25, 2006, amended former Ch. 110, Arts. I—III, in its entirety to read as herein set out. Former Ch. 110 pertained to similar subject matter and derived from the Code of 1978 and the following: Ord. 71-5, passed 9-14-71; Ord. 79-3, passed 1-30-79; Ord. 86-51, passed 7-15-86; Ord. 93-73, passed 12-20-93; Ord. 99-4, §§ 1, 3, 1-25-99.

Article I. - SHORT TITLE, AUTHORITY AND PURPOSE

Sec. 110.00. - Short title, authority and purpose.

- (a) *Short title.* This chapter shall be known as "Alcoholic Beverage Code."
- (b) *Authority.* This chapter is enacted under the home rule power of the City of Port St. Lucie in the interest of the health, safety, peace and general welfare of the people of the City, and under the authority of the city to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment to the United States Constitution.
- (c) *Purpose and findings of fact.*
 - (1) Alcoholic beverages can be addictive, dangerous and abused. Those who drink alcoholic beverages sometimes injure themselves, their family or innocent third parties.
 - (2) Those who sell alcoholic beverages profit off those who consume alcoholic beverages, whether those consumers use alcoholic beverages responsibly or abuse alcoholic beverages.
 - (3) Due to the misuse of alcoholic beverages, the state and city consider the sale of alcoholic beverages to be a privilege that carries with it important and sometimes burdensome responsibilities.
 - (4) The city has enhanced police powers over alcoholic beverages pursuant to the Twenty-First Amendment to the United States Constitution and enacting the provisions of this chapter, the city council is exercising the full strength of that 21st Amendment power.

(Ord. No. 06-107, 9-15-06; Ord. No. 17-51, § 2, 8-14-17)

Article II. - GENERAL PROVISIONS

Sec. 110.01. - 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 beverage. Any beverage containing more than one-half of one percent or more of alcohol by volume, as determined in accordance with Section 561.01(4)(b), Florida Statutes.

Food store selling alcoholic beverages. Any food or convenience store which has a license for package sales of alcoholic beverages from the Florida Division of Alcoholic Beverages and Tobacco.

Hotel. Any establishment generally accepted as a hotel and so licensed under the laws of the State of Florida and ordinances of the City of Port St. Lucie, and having 100 rooms or more for the accommodation of guests.

Intoxicating liquor. Means and includes only those alcoholic beverages containing more than 4.007% of alcohol by volume. The determination of the percentage of alcohol by volume shall be made as provided in Section 561.01(4)(b), Florida Statutes.

Motel. Any establishment generally accepted as a motel or motor court and so licensed under the laws of the state of Florida and ordinances of the City of Port St. Lucie, and having 100 rooms or more for the accommodations of guests.

Open container. Any bottle, can, cup, glass, or other receptacle containing any alcoholic beverage which is open, which has been opened, which has its seal broken, or which has had its contents partially removed.

Owner. Any person holding an occupational license for a store.

Package store. Any establishment which sells beer, wine and liquor for off-site consumption.

Person. Any individual, firm, partnership, joint venture, syndicate or other group or combination acting as a unit, association, corporation, or other legal entity and shall include the plurals as well as the singular.

Religious institution. Any building used primarily for religious services and religious education regularly and the title to which is owned or held by such religious institution. Religious institution property, as defined herein, includes the ground or land upon which a religious institution and its permitted accessory uses are located and which is in ownership or lease control of the religious institution on the property.

School. All public schools, and parochial and private schools offering substantially the same course of instruction available in public schools, but shall not include universities, colleges, and other institutions of post-secondary education. School property, as defined herein, includes the ground or land upon which a school and its permitted accessory uses are located and which is in ownership or lease control of the school on the property.

Special license. The license issued by the state to any bonafide hotel, motel or motor court, restaurant or caterer, pursuant to Section 561.20(2), Florida Statutes, or to any club pursuant to Section 565.02(4), Florida Statutes.

Vendor. Any person who sells or offers for sale alcoholic beverages at retail in the city in any quantity.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.02. - Proximity to religious institution or school.

- (a) Except as provided in section 110.06, no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within 1,500 feet of a school or religious institution.
- (b) Any person entitled to a special license as of the effective date of this chapter, shall be exempt from the distance limits provided in sub-section (a) of this section. The limitations of sub-section (a) of this section shall apply to any person who shall become entitled to a special license after such effective date. However, the limitation of subsection (a) of this section shall not apply to any person who shall become entitled to a special restaurant license as defined by Section 561.20(2)(a)(4), Florida Statutes.
- (c) Distance measurement. Except as provided in sub-section (d), the distances specified in this section shall be determined by the horizontal distance measured in a straight line from the closest property line to the closest property line of the lot on which the proposed commercial establishment at which alcoholic beverages are present is located, without regard to intervening structures.
- (d) Where the alcoholic beverages vendor will be located in a multi-use commercial building or shopping plaza, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit where the alcoholic beverages vendor is located and the outermost wall of the religious institution or school.
- (e) The limitations of subsection (a) of this section as they relate to schools shall not apply to vendors of malt beverages and wines containing alcohol no more than 22% by volume.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17; Ord. No. 23-75, § 2, 11-27-23)

Sec. 110.03. - Hours of sale.

- (a) It shall be unlawful for any person to sell or serve, or to permit the sale or service of any alcoholic beverages in any place holding an alcoholic beverage license under the regulation of the Florida Department of Alcoholic Beverages and Tobacco, within the territorial limits of the city between the hours of 2:00 a.m. and 9:00 a.m., each day. Further, no consumption of alcohol shall occur after 2:30 a.m. and no persons, not to include employees, shall be present in the establishment after 2:30 a.m.
- (b) All licensees of alcoholic beverages or intoxicating liquors shall comply with this section and any future City Ordinance pertaining to the hours of sale of alcoholic beverages or intoxicating liquor.

(Ord. No. 06-107, 9-25-06; Ord. No. 08-111, § 1, 10-27-08; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.04. - Minors.

It shall be unlawful for any person, his servant or employee, to permit anyone under the age of eighteen (18) years to visit or frequent any bottle club or any establishment where alcoholic beverages are sold or consumed on the premises provided however, that this section shall not apply to a minor who is accompanied by a parent or guardian. This section shall not apply where the minor is present in a full-service restaurant, as defined in section 110.07(a).

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.05. - Possession of open containers.

(a) (1) It shall be unlawful for anyone to consume or possess open containers of beer, wine, alcoholic beverages or intoxicating liquors off the premises of an establishment dealing in alcoholic beverages, or a bottle club, which are licensed as such, and within 500 feet of the premises, except within closed buildings or on premises occupied solely by residential structures. The distance set forth in this section shall be measured from the shortest route of ordinary pedestrian travel along public thoroughfares from the principal entrance of the establishment dealing in alcoholic beverages, or bottle club, to the location of the violation of this section.

(2) Each establishment dealing in alcoholic beverages and each bottle club shall, at all times when such establishment is open to the public or is dispensing or selling alcoholic beverages, have located in the interior as well as the exterior portions of the building licensed for sale of such beverages, where it can be readily seen and read by customers of the establishment, a sign prominently displayed of a size at least one foot by two feet containing the following information:

IT IS UNLAWFUL TO CONSUME OR POSSESS ALCOHOLIC BEVERAGES WITHIN 500 FEET OF THIS ESTABLISHMENT AND OFF OF THESE LICENSED PREMISES.

(3) The city manager shall prescribe by rule the location of the signs and the size of the lettering following as his guideline the criteria set forth above. It shall be unlawful for the owner of any establishment dealing in alcoholic beverages or any bottle club to fail to comply with this section or for any person to sell, dispense or serve alcoholic beverages in any establishment which is not in compliance with this section. The requirement of this section shall apply to all establishments dealing in alcoholic beverages and bottle clubs, whether or not they are licensed or become licensed in the future.

(b) This section shall not apply to:

(1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign.

- (2) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages, provided that the alcoholic beverage is being transported solely for commercial purposes.
- (3) The transportation of any open container of alcoholic beverage in or on any motor vehicle, provided that the container is in a compartment of the vehicle not readily accessible to the driver or passengers, such as a locked (not merely latched) glove compartment, trunk, or other non-passenger or nondriver area of the motor vehicle.
- (4) The transportation of any open container or consumption of alcoholic beverage in or on any motor vehicle duly licensed and operated for hire to transport passengers, such as charter buses, regularly scheduled buses, taxicabs, and the separate passenger compartments of limousines; provided the operator thereof is duly licensed and operating within the scope of his employment, and is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage. The operator must have in his possession evidence of employment by a bona fide chauffeur service, limousine service, taxicab company, or bus company.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.06. - Subsequent establishment of religious institution or school.

Whenever a vendor of alcoholic beverages has procured a license certificate permitting the sale of alcoholic beverages and thereafter a religious institution or school shall be established within 200 feet of the vendor of alcoholic beverages, the establishment of the religious institution or school shall not be cause for the discontinuance or classification as a non-conforming use of the business as a vendor of alcoholic beverages.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.07. - Exception to distance requirements.

- (a) *Types of exceptions.* The sale of alcoholic beverages for on-premises consumption or the package sale of alcoholic beverages shall be exempt from the provisions of section 110.02 for the following as described below:

- (1) Full-service restaurants.
- (2) Publicly-owned facilities.
- (3) Bars, nightclubs, and hotels or motels where there is no direct access from or to the outside.
- (4) Package sale of beer and/or wine.

- (b) *Full-service restaurants.*

- (1)

The provisions of section 110.02 shall not apply to the sale of alcoholic beverages for on-premises consumption at a full-service restaurant, which is defined as an establishment serving full-course meals and engaged primarily in the service of food and non-alcoholic beverages, where alcoholic beverages are generally only consumed or sold in connection with the consumption or sale of food during all hours of operation. A full-service restaurant may have a bar area in which alcoholic beverages are served and consumed without the accompanying sales and consumption of food; however, such a bar area shall be no more than 12% of the total gross floor area of the full-service restaurant.

- (2) An establishment which contains pool tables, video games, a stage, live entertainment, illuminated or non-illuminated signs advertising alcoholic beverages, permits dancing or which has live music or plays recorded music at a level above 70 decibels (measured six inches from the source), shall not be considered to be a full-service restaurant. An establishment which charges a cover charge at any time shall not be considered a full-service restaurant. An establishment which advertises anything other than the sale of food shall not be considered a full-service restaurant.
 - (3) The full-service restaurant must have permanent kitchen facilities located within the premises and which full-course meals are regularly prepared for service to patrons of the establishment. Such kitchen facilities must be designed, constructed, equipped and maintained to actually allow preparation of food and sufficient quantities to serve full-course meals simultaneously to a number of patrons equal to at least 50 percent of the rated patron capacity of the restaurant. No person shall attempt to circumvent the intent of this part by artifice or scheme, such as the serving of stock meals. Stock meals as used herein are defined to include and refer to the serving of cold plates, snacks, previously prepared sandwiches and any other type of meal which is capable of being served to more than one customer.
 - (4) The dining area shall contain tables and chairs or booths of standard table height. Counters and tables of cocktail-table height shall not be permitted. All tables shall meet or exceed a minimal acceptable standard of 256 square inches of table space per patron. The bar area, if one exists, shall be visibly or physically separated from the remainder of the full-service restaurant and shall include the bar itself, any stools, chairs, or other seating adjacent to the bar and any other seating separated from the remainder of the full-service restaurant. The bar shall be accessible from within the full-service restaurant and shall not have direct customer access to or from the outside.
- (c) *Publicly-owned facilities.* The provisions of section 110.02 shall not apply to the sale of alcoholic beverages for on-premises consumption at an establishment located within a facility owned by a local, state or federal government entity.
- (d) *Certain bars/nightclubs and hotels or motels.* The provisions of section 110.02 shall not apply to the sale of alcoholic beverages for on-premises consumption at an establishment located within a hotel or motel containing 100 or more guest rooms and such establishment within the hotel or

motel has no direct entrance or exit on a public street.

- (e) *For packaged sale of beer and/or wine.* The provisions of section 110.02 shall not apply to a vendor who operates an establishment the primary purpose of which is the package sale of beer and/or wine and who permits on-premises consumption only for the purpose of beer and/or wine tasting, incidental to the package sale of such beer and/or wine at no charge to the customer.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.08. - Approval as exceptions to distance requirements and zoning official determination.

Distance variances. Upon proper petition, variances from the distance regulations of this Code may be granted by the planning and zoning board or zoning administrator of the city, in accordance with the provisions of section 158.297 of this Code.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.09. - Penalties and fines.

- (a) Any person violating any of the provisions of this section shall upon conviction of such offense be punished by fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the county jail, or both in the discretion of the court. Each day of continued violation shall be considered a separate offense.
- (b) (1) The city may bring suit to restrain, enjoin or otherwise prevent the violation of any provision of this chapter in any court of appropriate jurisdiction in St. Lucie County.
- (2) If the owner, operator, lessee, manager, employer or any other person participating in the maintenance or operation of a commercial establishment at which alcoholic beverages are, or are available to be sold, dispensed, consumed, possessed or offered for sale or consumption on the premises violates any provision of this chapter, the city occupational license issued to such violator for the establishment may be revoked by action of the city council at a public hearing upon due notice.
- (3) If at any time the license for the commercial establishment at which alcoholic beverages are, or are available to be sold, dispensed, consumed, possessed or offered for sale or consumption on the premises is revoked pursuant to subsection (b)(2) above, no such license may be issued for the same establishment for at least one year after the date of revocation. Further, such license may be issued only after a public hearing held before the city council.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Secs. 110.10—110.20. - Reserved.

Article III. - DRUG PARAPHERNALIA

Sec. 110.21. - Findings of fact.

It is hereby found and determined that the use of illegal controlled substances is harmful and unsafe for human consumption. The drug paraphernalia industry, by selling a variety of implements designed for use with illegal controlled substances, facilitates and glamorizes drug use and abuse.

(Ord. No. 08-133, § 2, 12-8-08; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.22. - Definitions.

Controlled substance shall mean any substance named or described in Sections 1 through 5 of Section 893.03, Florida Statutes, and used in violation thereof.

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Chapter 893, Florida Statutes, unless otherwise lawfully permitted by Section 381.986, Florida Statutes as may be amended from time to time and/or applicable Florida Department of Health Regulations related to Medical Marijuana. In addition, the term "drug paraphernalia" includes but is not limited to the following:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (7)

Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing non-Medical Marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers;
 - n. A cartridge or canister, which means a small metal device used to contain nitrous oxide;
 - o. A charger, sometimes referred to as a "cracker," which means a small metal or plastic device that contains an interior pin that may be used to expel nitrous oxide from a cartridge or container;
 - p. A charging bottle, which means a device that may be used to expel nitrous oxide from a cartridge or canister;

- q. A whip-it, which means a device that may be used to expel nitrous oxide;
- r. A tank;
- s. A balloon;
- t. A hose or tube;
- u. A 2-liter-type soda bottle;
- v. Duct tape;
- w. Blunts, such as hollowed-out cigars.

Low-THC Cannabis. Any plant(s) or part of a plant(s) of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization as specified in Section 381.986(1), F.S., as may be amended from time to time.

Medical Cannabis. All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in Section 499.0295, F.S. as specified in Section 381.986(1), F.S., as may be amended from time to time.

Medical Marijuana Dispensing Facility or Dispensing Facility. A facility where Low-THC and/or Medical Cannabis is dispensed at retail.

Medical Marijuana Dispensing Organization or Dispensing Organization. An organization approved by the Florid Department of Health to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section as specified in Section 381.986(1), F.S., as may be amended from time to time.

Medical Marijuana Treatment Center (MMTC). An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health.

Medical Marijuana. Medical Cannabis and/or Low-THC Cannabis lawfully prescribed to a qualifying patient pursuant to Florida law and the Department of Health's regulations.

(Ord. No. 08-133, § 2, 12-8-08; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.23. - Offenses and penalties.

- (1) *Possession of drug paraphernalia.* It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article or Chapter 893, Florida Statutes, unless authorized by Section 381.986, Florida Statutes as may be amended from time to time and/or applicable Florida Department of Health Regulations related to Medical Marijuana. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than six months, fined not more than \$500.00, or both.
- (2) *Manufacture or delivery of drug paraphernalia.* It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article Chapter 893, Florida Statutes, unless authorized by Section 381.986, Florida Statutes as may be amended from time to time and/or applicable Florida Department of Health Regulations related to Medical Marijuana. Any person who violates this section is guilty of a felony of the third degree, punishable as provided in Florida Statutes.
- (3) *Delivery of drug paraphernalia to a minor.*
 - (a) Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a felony of the third degree, punishable as provided in Florida Statutes.
 - (b) It is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects which may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian or by a pharmacist pursuant to a valid prescription for same. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in Florida Statutes.
- (4) *Transportation of drug paraphernalia.* It is unlawful to use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport:
 - (a) A controlled substance in violation of this article; or
 - (b)

Contraband as defined in section 932.701(2)(a)(1), Florida Statutes. Any person who violates this subsection commits a felony of the third degree, punishable as provided in Florida Statutes.

(c) Nothing herein shall preclude the lawful transportation of Medical Marijuana or any object utilized by a qualifying patient to ingest Medical Marijuana as authorized by Section 381.986, Florida Statutes, as may be amended from time to time and/or applicable Florida Department of Health Regulations related to Medical Marijuana.

- (5) *Advertisement of drug paraphernalia.* It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Nothing herein shall preclude a Medical Marijuana Dispensing Facility from advertising its products consistent with Section 158.157 of the City's Code of Ordinances. A violation of this section shall constitute a first-degree misdemeanor punishable by imprisonment not to exceed six months, a fine not to exceed \$500.00, or both.
- (6) *Sale or display of drug paraphernalia.* It is unlawful for a retail establishment to sell or display for sale drug paraphernalia after being notified by law enforcement that the primary use of an item is to ingest illegal narcotics. Nothing herein shall preclude a Dispensing Facility from selling or displaying its products consistent with Section 158.157 of the City's Code of Ordinances and Section 381.986, Florida Statutes as may be amended from time to time and/or applicable Florida Department of Health Regulations related to Medical Marijuana. Upon such notification, employers are required to provide education and training regarding unlawful drug paraphernalia to all employees. Further, employers are required to maintain an education and training checklist for all current employees. A first offense violation of this section shall be punishable by a fine not to exceed \$150.00, a second offense violation of this section shall be punishable by a fine not to exceed \$250.00, and a third and subsequent offense violation of this section shall be punishable by a fine not to exceed \$500.00.

(Ord. No. 08-133, § 2, 12-8-08; Ord. No. 17-51, § 2, 8-14-17)

Editor's note— Ord. No. 17-51, § 2, adopted August 14, 2017, repealed § 110.23, in its entirety; and renumbered §§ 110.24, 110.25 as §§ 110.23, 110.24. Former § 110.23 pertained to "Procedure for determining whether or not an object is drug paraphernalia," and was derived from Ord. No. 08-133, § 2, adopted December 8, 2008.

Sec. 110.24. - Severability.

Should any section, sentence, clause, part, or provision of this article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this article, as a whole, or any part thereof other than the part declared to be invalid.

(Ord. No. 08-133, § 2, 12-8-08; Ord. No. 17-51, § 2, 8-14-17)

Editor's note— Ord. No. 17-51, § 2, adopted August 14, 2017, renumbered § 110.25 as § 110.24. See editor's note at § 110.23 for more information.

ORDINANCE 23-75

AN ORDINANCE AMENDING TITLE XI, "BUSINESS REGULATIONS", CHAPTER 110 "ALCOHOLIC BEVERAGES; SALE OF DRUG PARAPHERNALIA", ARTICLE II – "GENERAL PROVISIONS", SEC. 110.02- "PROXIMITY TO RELIGIOUS INSTITUTION OR SCHOOL" OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE (P23-187); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida adopted amendments to the City of Port St. Lucie Comprehensive Plan by Ordinance 12-19 (the "Comprehensive Plan"); and

WHEREAS, Section 163.3202, Florida Statutes, provides for the amendment and enforcement of land development regulations that are consistent with and implement the adopted comprehensive plan; and

WHEREAS, Section 163.3174, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to the consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174, Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances (P23-187) and submitted its recommendations thereon to the City Council; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the Port St. Lucie City Council has found and determined that the adoption of an amendment to Chapter 110 will foster and preserve the public health, safety, and welfare; improve and protect the environment, value and character of the community; and implement the adopted comprehensive plan.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

ORDINANCE 23-75

Section 2. Amendment. Section 110.02 entitled “Proximity to religious institution or school” of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

Sec. 110.02. Proximity to religious institution or school.

- (a) Except as provided in section 110.06, no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within 1,500 feet of a school or religious institution.
- (b) Any person entitled to a special license as of the effective date of this chapter, shall be exempt from the distance limits provided in sub-section (a) of this section. The limitations of sub-section (a) of this section shall apply to any person who shall become entitled to a special license after such effective date. However, the limitation of subsection (a) of this section shall not apply to any person who shall become entitled to a special restaurant license as defined by Section 561.20(2)(a)(4), Florida Statutes.
- (c) Distance measurement. Except as provided in sub-section (d), ~~The distances specified in this section shall be determined by the horizontal distance measured in a straight line from the closest property line to the closest property line of the lot on which the proposed commercial establishment at which alcoholic beverages are present is located, without regard to intervening structures. In the case of a multi-use building located upon a single tract of land, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit within the multi-use building intended for use as a commercial establishment at which alcoholic beverages are present and the outermost wall of the unit of the religious institution or school.~~
- (d) Where the alcoholic beverages vendor will be located in a multi-use commercial building or shopping plaza, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit where the alcoholic beverages vendor is located and the outermost wall of the religious institution or school.
- ~~(d)~~ (e) The limitations of subsection (a) of this section as they relate to schools shall not apply to vendors of malt beverages and wines containing alcohol no more than 22% by volume.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

ORDINANCE 23-75

Section 5. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 27th day of November, 2023.



ATTEST:

Sally Walsh, City Clerk

CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY:

Shannon M. Martin, Mayor

APPROVED AS TO FORM:

Richard Berrios, Interim City Attorney

Exhibit "A"

Sec. 110.02. Proximity to religious institution or school.

- (a) Except as provided in section 110.06, no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within 1,500 feet of a school or religious institution.
- (b) Any person entitled to a special license as of the effective date of this chapter, shall be exempt from the distance limits provided in sub-section (a) of this section. The limitations of sub-section (a) of this section shall apply to any person who shall become entitled to a special license after such effective date. However, the limitation of subsection (a) of this section shall not apply to any person who shall become entitled to a special restaurant license as defined by Section 561.20(2)(a)(4), Florida Statutes.
- (c) Distance measurement. ~~Except as provided in sub-section (d), the distances specified in this section shall be determined by the horizontal distance measured in a straight line from the closest property line to the closest property line of the lot on which the proposed commercial establishment at which alcoholic beverages are present is located, without regard to intervening structures. In the case of a multi-use building located upon a single tract of land, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit within the multi-use building intended for use as a commercial establishment at which alcoholic beverages are present and the outermost wall of the unit of the religious institution or school.~~
- (d) Where the alcoholic beverages vendor will be located in a multi-use commercial building or shopping plaza, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit where the alcoholic beverages vendor is located and the outermost wall of the religious institution or school.
- ~~(d)~~ (e) The limitations of subsection (a) of this section as they relate to schools shall not apply to vendors of malt beverages and wines containing alcohol no more than 22% by volume.

CHAPTER 110. - ALCOHOLIC BEVERAGES; SALE OF DRUG PARAPHERNALIA

Footnotes:

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Editor's note— Ord. No. 06-107, adopted Sept. 25, 2006, amended former Ch. 110, Arts. I—III, in its entirety to read as herein set out. Former Ch. 110 pertained to similar subject matter and derived from the Code of 1978 and the following: Ord. 71-5, passed 9-14-71; Ord. 79-3, passed 1-30-79; Ord. 86-51, passed 7-15-86; Ord. 93-73, passed 12-20-93; Ord. 99-4, §§ 1, 3, 1-25-99.

Article I. - SHORT TITLE, AUTHORITY AND PURPOSE

Sec. 110.00. - Short title, authority and purpose.

- (a) *Short title.* This chapter shall be known as "Alcoholic Beverage Code."
- (b) *Authority.* This chapter is enacted under the home rule power of the City of Port St. Lucie in the interest of the health, safety, peace and general welfare of the people of the City, and under the authority of the city to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment to the United States Constitution.
- (c) *Purpose and findings of fact.*
 - (1) Alcoholic beverages can be addictive, dangerous and abused. Those who drink alcoholic beverages sometimes injure themselves, their family or innocent third parties.
 - (2) Those who sell alcoholic beverages profit off those who consume alcoholic beverages, whether those consumers use alcoholic beverages responsibly or abuse alcoholic beverages.
 - (3) Due to the misuse of alcoholic beverages, the state and city consider the sale of alcoholic beverages to be a privilege that carries with it important and sometimes burdensome responsibilities.
 - (4) The city has enhanced police powers over alcoholic beverages pursuant to the Twenty-First Amendment to the United States Constitution and enacting the provisions of this chapter, the city council is exercising the full strength of that 21st Amendment power.

(Ord. No. 06-107, 9-15-06; Ord. No. 17-51, § 2, 8-14-17)

Article II. - GENERAL PROVISIONS

Sec. 110.01. - 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 beverage. Any beverage containing more than one-half of one percent or more of alcohol by volume, as determined in accordance with Section 561.01(4)(b), Florida Statutes.

Food store selling alcoholic beverages. Any food or convenience store which has a license for package sales of alcoholic beverages from the Florida Division of Alcoholic Beverages and Tobacco.

Hotel. Any establishment generally accepted as a hotel and so licensed under the laws of the State of Florida and ordinances of the City of Port St. Lucie, and having 100 rooms or more for the accommodation of guests.

Intoxicating liquor. Means and includes only those alcoholic beverages containing more than 4.007% of alcohol by volume. The determination of the percentage of alcohol by volume shall be made as provided in Section 561.01(4)(b), Florida Statutes.

Motel. Any establishment generally accepted as a motel or motor court and so licensed under the laws of the state of Florida and ordinances of the City of Port St. Lucie, and having 100 rooms or more for the accommodations of guests.

Open container. Any bottle, can, cup, glass, or other receptacle containing any alcoholic beverage which is open, which has been opened, which has its seal broken, or which has had its contents partially removed.

Owner. Any person holding an occupational license for a store.

Package store. Any establishment which sells beer, wine and liquor for off-site consumption.

Person. Any individual, firm, partnership, joint venture, syndicate or other group or combination acting as a unit, association, corporation, or other legal entity and shall include the plurals as well as the singular.

Religious institution. Any building used primarily for religious services and religious education regularly and the title to which is owned or held by such religious institution. Religious institution property, as defined herein, includes the ground or land upon which a religious institution and its permitted accessory uses are located and which is in ownership or lease control of the religious institution on the property.

School. All public schools, and parochial and private schools offering substantially the same course of instruction available in public schools, but shall not include universities, colleges, and other institutions of post-secondary education. School property, as defined herein, includes the ground or land upon which a school and its permitted accessory uses are located and which is in ownership or lease control of the school on the property.

Special license. The license issued by the state to any bonafide hotel, motel or motor court, restaurant or caterer, pursuant to Section 561.20(2), Florida Statutes, or to any club pursuant to Section 565.02(4), Florida Statutes.

Vendor. Any person who sells or offers for sale alcoholic beverages at retail in the city in any quantity.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.02. - Proximity to religious institution or school.

- (a) Except as provided in section 110.06, no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within 1,500 feet of a school or religious institution.
- (b) Any person entitled to a special license as of the effective date of this chapter, shall be exempt from the distance limits provided in sub-section (a) of this section. The limitations of sub-section (a) of this section shall apply to any person who shall become entitled to a special license after such effective date. However, the limitation of subsection (a) of this section shall not apply to any person who shall become entitled to a special restaurant license as defined by Section 561.20(2)(a)(4), Florida Statutes.
- (c) Distance measurement. The distances specified in this section shall be determined by the horizontal distance measured in a straight line from the closest property line to the closest property line of the lot on which the proposed commercial establishment at which alcoholic beverages are present is located, without regard to intervening structures. In the case of a multi-use building located upon a single tract of land, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit within the multi-use building intended for use as a commercial establishment at which alcoholic beverages are present and the outermost wall of the unit of the religious institution or school.
- (d) The limitations of subsection (a) of this section as they relate to schools shall not apply to vendors of malt beverages and wines containing alcohol no more than 22% by volume.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.03. - Hours of sale.

- (a) It shall be unlawful for any person to sell or serve, or to permit the sale or service of any alcoholic beverages in any place holding an alcoholic beverage license under the regulation of the Florida Department of Alcoholic Beverages and Tobacco, within the territorial limits of the city between the hours of 2:00 a.m. and 9:00 a.m., each day. Further, no consumption of alcohol shall occur after 2:30 a.m. and no persons, not to include employees, shall be present in the establishment after 2:30 am.
- (b) All licensees of alcoholic beverages or intoxicating liquors shall comply with this section and any future City Ordinance pertaining to the hours of sale of alcoholic beverages or intoxicating liquor.

(Ord. No. 06-107, 9-25-06; Ord. No. 08-111, § 1, 10-27-08; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.04. - Minors.

It shall be unlawful for any person, his servant or employee, to permit anyone under the age of eighteen (18) years to visit or frequent any bottle club or any establishment where alcoholic beverages are sold or consumed on the premises provided however, that this section shall not apply to a minor who is accompanied by a parent or guardian. This section shall not apply where the minor is present in a full-service restaurant, as defined in section 110.07(a).

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.05. - Possession of open containers.

(a) (1) It shall be unlawful for anyone to consume or possess open containers of beer, wine, alcoholic beverages or intoxicating liquors off the premises of an establishment dealing in alcoholic beverages, or a bottle club, which are licensed as such, and within 500 feet of the premises, except within closed buildings or on premises occupied solely by residential structures. The distance set forth in this section shall be measured from the shortest route of ordinary pedestrian travel along public thoroughfares from the principal entrance of the establishment dealing in alcoholic beverages, or bottle club, to the location of the violation of this section.

(2) Each establishment dealing in alcoholic beverages and each bottle club shall, at all times when such establishment is open to the public or is dispensing or selling alcoholic beverages, have located in the interior as well as the exterior portions of the building licensed for sale of such beverages, where it can be readily seen and read by customers of the establishment, a sign prominently displayed of a size at least one foot by two feet containing the following information:

IT IS UNLAWFUL TO CONSUME OR POSSESS ALCOHOLIC BEVERAGES WITHIN 500 FEET OF THIS ESTABLISHMENT AND OFF OF THESE LICENSED PREMISES.

(3) The city manager shall prescribe by rule the location of the signs and the size of the lettering following as his guideline the criteria set forth above. It shall be unlawful for the owner of any establishment dealing in alcoholic beverages or any bottle club to fail to comply with this section or for any person to sell, dispense or serve alcoholic beverages in any establishment which is not in compliance with this section. The requirement of this section shall apply to all establishments dealing in alcoholic beverages and bottle clubs, whether or not they are licensed or become licensed in the future.

(b) This section shall not apply to:

(1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign.

(2)

The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages, provided that the alcoholic beverage is being transported solely for commercial purposes.

- (3) The transportation of any open container of alcoholic beverage in or on any motor vehicle, provided that the container is in a compartment of the vehicle not readily accessible to the driver or passengers, such as a locked (not merely latched) glove compartment, trunk, or other non-passenger or nondriver area of the motor vehicle.
- (4) The transportation of any open container or consumption of alcoholic beverage in or on any motor vehicle duly licensed and operated for hire to transport passengers, such as charter buses, regularly scheduled buses, taxicabs, and the separate passenger compartments of limousines; provided the operator thereof is duly licensed and operating within the scope of his employment, and is not in immediate possession of, or engaged in the consumption of, any alcoholic beverage or open container of alcoholic beverage. The operator must have in his possession evidence of employment by a bona fide chauffeur service, limousine service, taxicab company, or bus company.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.06. - Subsequent establishment of religious institution or school.

Whenever a vendor of alcoholic beverages has procured a license certificate permitting the sale of alcoholic beverages and thereafter a religious institution or school shall be established within 200 feet of the vendor of alcoholic beverages, the establishment of the religious institution or school shall not be cause for the discontinuance or classification as a non-conforming use of the business as a vendor of alcoholic beverages.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.07. - Exception to distance requirements.

- (a) *Types of exceptions.* The sale of alcoholic beverages for on-premises consumption or the package sale of alcoholic beverages shall be exempt from the provisions of section 110.02 for the following as described below:

- (1) Full-service restaurants.
- (2) Publicly-owned facilities.
- (3) Bars, nightclubs, and hotels or motels where there is no direct access from or to the outside.
- (4) Package sale of beer and/or wine.

- (b) *Full-service restaurants.*

- (1)

The provisions of section 110.02 shall not apply to the sale of alcoholic beverages for on-premises consumption at a full-service restaurant, which is defined as an establishment serving full-course meals and engaged primarily in the service of food and non-alcoholic beverages, where alcoholic beverages are generally only consumed or sold in connection with the consumption or sale of food during all hours of operation. A full-service restaurant may have a bar area in which alcoholic beverages are served and consumed without the accompanying sales and consumption of food; however, such a bar area shall be no more than 12% of the total gross floor area of the full-service restaurant.

- (2) An establishment which contains pool tables, video games, a stage, live entertainment, illuminated or non-illuminated signs advertising alcoholic beverages, permits dancing or which has live music or plays recorded music at a level above 70 decibels (measured six inches from the source), shall not be considered to be a full-service restaurant. An establishment which charges a cover charge at any time shall not be considered a full-service restaurant. An establishment which advertises anything other than the sale of food shall not be considered a full-service restaurant.
 - (3) The full-service restaurant must have permanent kitchen facilities located within the premises and which full-course meals are regularly prepared for service to patrons of the establishment. Such kitchen facilities must be designed, constructed, equipped and maintained to actually allow preparation of food and sufficient quantities to serve full-course meals simultaneously to a number of patrons equal to at least 50 percent of the rated patron capacity of the restaurant. No person shall attempt to circumvent the intent of this part by artifice or scheme, such as the serving of stock meals. Stock meals as used herein are defined to include and refer to the serving of cold plates, snacks, previously prepared sandwiches and any other type of meal which is capable of being served to more than one customer.
 - (4) The dining area shall contain tables and chairs or booths of standard table height. Counters and tables of cocktail-table height shall not be permitted. All tables shall meet or exceed a minimal acceptable standard of 256 square inches of table space per patron. The bar area, if one exists, shall be visibly or physically separated from the remainder of the full-service restaurant and shall include the bar itself, any stools, chairs, or other seating adjacent to the bar and any other seating separated from the remainder of the full-service restaurant. The bar shall be accessible from within the full-service restaurant and shall not have direct customer access to or from the outside.
- (c) *Publicly-owned facilities.* The provisions of section 110.02 shall not apply to the sale of alcoholic beverages for on-premises consumption at an establishment located within a facility owned by a local, state or federal government entity.
- (d) *Certain bars/nightclubs and hotels or motels.* The provisions of section 110.02 shall not apply to the sale of alcoholic beverages for on-premises consumption at an establishment located within a hotel or motel containing 100 or more guest rooms and such establishment within the hotel or

motel has no direct entrance or exit on a public street.

- (e) *For packaged sale of beer and/or wine.* The provisions of section 110.02 shall not apply to a vendor who operates an establishment the primary purpose of which is the package sale of beer and/or wine and who permits on-premises consumption only for the purpose of beer and/or wine tasting, incidental to the package sale of such beer and/or wine at no charge to the customer.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.08. - Approval as exceptions to distance requirements and zoning official determination.

Distance variances. Upon proper petition, variances from the distance regulations of this Code may be granted by the planning and zoning board or zoning administrator of the city, in accordance with the provisions of section 158.297 of this Code.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Sec. 110.09. - Penalties and fines.

- (a) Any person violating any of the provisions of this section shall upon conviction of such offense be punished by fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the county jail, or both in the discretion of the court. Each day of continued violation shall be considered a separate offense.
- (b) (1) The city may bring suit to restrain, enjoin or otherwise prevent the violation of any provision of this chapter in any court of appropriate jurisdiction in St. Lucie County.
- (2) If the owner, operator, lessee, manager, employer or any other person participating in the maintenance or operation of a commercial establishment at which alcoholic beverages are, or are available to be sold, dispensed, consumed, possessed or offered for sale or consumption on the premises violates any provision of this chapter, the city occupational license issued to such violator for the establishment may be revoked by action of the city council at a public hearing upon due notice.
- (3) If at any time the license for the commercial establishment at which alcoholic beverages are, or are available to be sold, dispensed, consumed, possessed or offered for sale or consumption on the premises is revoked pursuant to subsection (b)(2) above, no such license may be issued for the same establishment for at least one year after the date of revocation. Further, such license may be issued only after a public hearing held before the city council.

(Ord. No. 06-107, 9-25-06; Ord. No. 17-51, § 2, 8-14-17)

Secs. 110.10—110.20. - Reserved.

Article III. - DRUG PARAPHERNALIA