

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: March 6, 2012

Consent

Regular

Ordinance

Public Hearing

Department

Submitted By: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

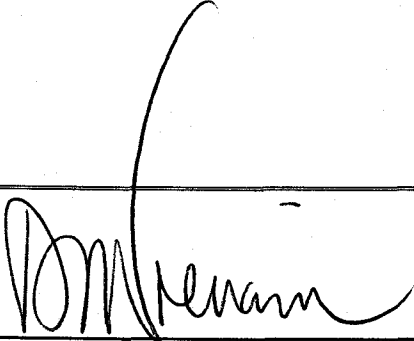
Motion and Title: Staff recommends motion to: approve on preliminary reading and advertise for public hearing on March 20, 2012 at 9:30 a.m.: An ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to posting of underage drinking signs; providing for definitions; providing for general requirements; providing for enforcement; providing for severability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for applicability; and providing for an effective date.

Summary: The Board of County Commissioners of Palm Beach County, Florida, having been made aware that underage drinking and service of alcoholic beverages to minors is an increasing problem in Palm Beach County, has determined that an effective way to combat this problem is to make the general public aware of the general prohibitions against service of alcohol to minors and the penalties associated with such service. This Ordinance requires the posting of signs with such information by vendors and certain other dispensers of alcoholic beverages warning of the prohibition against and the penalties associated with the sale or provision of alcoholic beverages to minors. Countywide (LB)

Background and Policy Issues: Medical studies and highway statistics note serious health risks and adverse effects associated with consumption of alcoholic beverages by minors. The Palm Beach County Substance Abuse Awareness Coalition has endorsed posting of the type of signs required by this Ordinance as an effective measure to generate awareness and deterrence of the provision of alcoholic beverages to minors. This Ordinance requires dispensers of alcoholic beverages to post signs stating that it is illegal for minors to purchase alcohol, that it is illegal to sell alcohol to minors, the penalties associated with selling alcohol to minors, and telephone numbers that may be called to report those who are in violation of the law.

Attachment:
Proposed Ordinance

Recommended by: _____



County Attorney

2/24/12

Date

Approved by: _____

n/a

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>~0~</u> * see below	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

* There is no fiscal impact on this item.

[Signature]
OFMB
2/21/12

[Signature] 2/23/12
Contract Development and Control
2-23-12 [Signature]

B. Legal Sufficiency:

[Signature]
Assistant County Attorney
2/21/12

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

ORDINANCE NO. 2012-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO POSTING OF UNDERAGE DRINKING SIGNS; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, finds that underage drinking and service of alcoholic beverages to minors is an increasing problem in Palm Beach County; and

WHEREAS, medical studies and highway statistics note serious health risks and adverse effects associated with consumption of alcoholic beverages by minors; and

WHEREAS, the general public should be informed regarding the law prohibiting service of alcoholic beverages to minors; and

WHEREAS, the general public should be informed regarding the penalties associated with the sale or provision of alcoholic beverages to minors; and

WHEREAS, the posting of signs with such information by vendors and certain other dispensers of alcoholic beverages warning of the prohibition against and the penalties associated with the sale or provision of alcoholic beverages to minors will make the public aware of the possible consequences of providing alcoholic beverages to underage minors; and

WHEREAS, the Palm Beach County Substance Abuse Awareness Coalition has endorsed posting of these types of signs as an effective measure to generate awareness and deterrence of the provision of alcoholic beverages to underage minors; and

WHEREAS, the Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of Palm Beach County to inform the public as to penalties associated with selling alcohol to minors.

NOW, THEREFORE, BE IT ORDAINED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Definitions

The following words, phrases, or terms when used in this Ordinance shall, unless the content otherwise indicates, have the meanings provided below. No attempt is made to define

1 ordinary words which are used in accordance with their established dictionary meaning except
2 when necessary to avoid misunderstanding.

3 a) **Alcoholic Beverage** means alcohol, spirits, liquor, wine or beer, regardless of
4 amount, containing more than one percent (1%) alcohol by weight.

5 b) **Business Establishment** includes, but is not limited to, any place of business or any
6 club, organization, person, firm, corporation or partnership, such as: a golf club; country
7 club; veteran's fraternal or benevolent organization; grocery store; drug store; night
8 club; bottle club; bar; tavern; restaurant; grill; filling station; convenience store; or any
9 other building, structure or location or portion thereof, wherein one person directly or
10 indirectly pays another for the purchase or dispensing of an alcoholic beverage.

11 c) **Conspicuously posted** means clearly visible, easily readable and immediately
12 apparent upon viewing.

13 d) **Dispense** means the storing, handling, apportionment, preparation, gift, distribution,
14 or serving, directly or indirectly, of any amount of an alcoholic beverage to or for any
15 person by any officer, owner, operator, lessee, or employee of a business establishment.
16 For purposes of this definition, permitting or allowing any person to carry alcoholic
17 beverages on the premises of any business establishment to be consumed thereon shall
18 constitute the "dispensing" of such beverages.

19 e) **Minor** means any individual under the legal drinking age as set forth by Florida
20 Statutes ss. 562.11 and 562.111, as may be amended or replaced.

21 f) **Person** means an individual, person, firm, joint venture, partnership, corporation,
22 estate, trust, business trust, syndicate, fiduciary, association, and all other groups or
23 combinations.

24 g) **Sale** means any transfer of an alcoholic beverage for consideration, or any gift of an
25 alcoholic beverage in connection with or as a part of a transfer of any property or
26 product for consideration.

27 h) **Vendor of Alcoholic Beverages** means any person who owns or operates a business
28 establishment which sells or dispenses any alcoholic beverages for consumption on or
29 off the premises.

30 **Section 2. General Requirements**

31 a) All persons who own or operate a business establishment in Palm Beach County which

1 sells or dispenses alcoholic beverages for consumption on or off the premises shall
2 conspicuously post a notice within said business establishment where alcoholic
3 beverages are displayed, purchased, or consumed. Failure to post such required notice
4 pursuant to the requirements of this Section 2, shall constitute a violation of this
5 Ordinance.

6 b) Required notice shall consist one or more signs or notices, each of which is not less than
7 fifteen square inches (8-1/2"x11"), with at least a 14-point type, which contains the
8 following information, clearly discernable by persons to whom alcoholic beverages may
9 be sold or dispensed:

- 10 1. It is unlawful to purchase alcohol if you are under 21 years of age.
- 11 2. It is unlawful to sell or dispense alcohol to persons under 21 years of
12 age, unless exempt pursuant to Sections 562.11 or 562.13, Florida Statutes.
- 13 3. The penalties associated with the sale or dispensing of alcoholic
14 beverages to persons under 21 years of age include imprisonment in county
15 jail for a period of up to 60 days a fine up to \$500, or both.
- 16 4. A telephone number to report those who are in violation of the law. Such
17 telephone numbers may include but are not limited to:
 - 18 a. 211 Palm Beach County
 - 19 b. 561-650-6840 – Office of Alcoholic Beverages and Tobacco.

20 **Section 3. Enforcement**

21 It is unlawful to violate any provisions of this Ordinance. Such violations may be
22 enforced by all means available at law including but not limited to enforcement proceedings
23 before Palm Beach County Code Enforcement Special Masters, the prosecution of violations in
24 the name of the State of Florida pursuant to the authority granted by Sec. 125.69, Florida
25 Statutes, as may be amended, or any other lawful actions as are necessary to prevent or remedy
26 any violation of this Ordinance.

27 **Section 5. Severability**

28 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
29 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
30 such holding shall not affect the remainder of this Ordinance.

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Section 6. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Inclusion in the Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 8. Captions

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 9. Applicability

All provisions of this Ordinance shall apply to the unincorporated areas of Palm Beach County, Florida, and to all municipalities within Palm Beach County that elect to have the provisions of this Ordinance apply within their respective jurisdictions.

Section 10. Effective Date

The provisions of this Ordinance shall become effective on _____ 2012.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the ____ day of _____, 2012.

SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Shelley Vana, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

Filed with the Department of State on the ____ day of _____, 2012.