

ORDINANCE NO. 25-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 3 ALCOHOLIC BEVERAGES, SECTION 3.5, SALE ON COUNTY PROPERTY; AMENDING CHAPTER 14 PARKS AND RECREATION, ARTICLE I, SECTION 14-6, ALCOHOLIC BEVERAGES IN COUNTY PARKS; PROVIDING FOR FINDINGS; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statute Section 125.01(1)(f) authorizes Marion County Board of County Commissioners (hereafter, "the Board") to provide parks, preserves, playgrounds, recreation areas, and other recreation and cultural facilities and programs; and

WHEREAS, Florida Statute 125.01(1)(o) empowers the Board to "[e]stablish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the County pursuant to general law"; and

WHEREAS, under state laws regulating the sale of beer, wine, or other alcoholic or intoxicating beverages, the Board is authorized to establish the location and hours of operation for alcohol sales in the unincorporated areas of the County; and

WHEREAS, the Board previously adopted Marion County Ordinance 77-7, prohibiting the sale of alcoholic beverages on Marion County owned property or property leased by Marion County; and

WHEREAS, the Board then adopted Marion County Ordinance 85-11, providing for an exception to the prohibition against the sale of alcoholic beverages on any Marion County owned property or any property leased by Marion County by allowing persons or groups to apply for an exception to the rule for events held at the Southeastern Livestock facility at a board meeting preceding the proposed event; and

WHEREAS, the Board also adopted Marion County Ordinance 94-20 which prohibited possession of any alcoholic beverage in any county park; and

WHEREAS, the Board desires to amend Chapter 14-6 Marion County Code of Ordinances, to establish a policy related to the sale and consumption of alcoholic beverages on certain Marion County owned property, or property leased by Marion County; and

WHEREAS, the Board deems that this amendment is in the best interest of the general public, and for the purposes of protecting the health, safety and welfare of the general public;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Maron County, Florida as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated herein, but need not be set forth in the Marion County Code.

SECTION 2. Chapter 3 of the Marion County Code, Alcoholic Beverages, Section 3.5 Sale on County Property, is hereby amended to read as follows (additions shown in underline text and deletions are shown in strikethrough text):

Sec. 3-5. – Sale or consumption on county property.

The sale or consumption of alcoholic beverages, as defined herein, shall be prohibited on any county-owned property or any property leased by the county, except as may be permitted by resolution of the Marion County Board of County Commissioners. ~~except for the southeastern livestock facility, being more accurately described in Exhibit A to Ordinance No. 85-11. The sale of alcoholic beverages is prohibited at the southeastern livestock facility, subject to the following exception: Any person or group leasing the southeastern facilities may apply to the agency designated by the county to manage the southeastern facilities for an exception to the above rule. This application must be made at a board meeting preceding the proposed event. The proposal must specify a security plan, a plan for the enforcement of local and state alcoholic beverage laws, proof of compliance with alcoholic beverage licensing requirements, the purpose of the event, the use of the profits from the sale of alcoholic beverages, and must include proof of liability insurance protecting the county and the management agency from liability in an amount to be specified by the agency.~~

SECTION 3. Chapter 14 of the Marion County Code, Parks and Recreation, Article I, Section 14-6, Alcoholic Beverages is hereby amended to read as follows (additions shown in underline text and deletions are shown in strikethrough text):

Sec. 14-6. - Alcoholic beverages.

No person shall possess any alcoholic beverage, as defined in Section 3-1 of this Code, in any county park, except as may be permitted by resolution of the Marion County Board of County Commissioners.

SECTION 4. CONFLICTS. In the event that the provisions of this ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

SECTION 5. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 6. REPEAL OF ORDINANCES. All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 7. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this

ordinance shall be incorporated into the Marion County Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 8. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Secretary of State by the Clerk within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

KATHY BRYANT, CHAIRMAN

ATTEST:

GREGORY C. HARRELL, CLERK