

MODEL ORDINANCE

KEG REGISTRATION

Staff Summary

This ordinance requires vendors selling kegs for off-premises consumption to place a keg registration tag on all kegs to be traced if the contents are used illegally. This ordinance requires persons who purchase kegs to sign a statement stating that they will not furnish beer to underage youth and present two forms of identification. The ordinance makes it illegal to possess an unregistered keg in Lake County.

ORDINANCE NO. 2008 – ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, CREATING SECTION 3-7, LAKE COUNTY CODE, ENTITLED KEG REGISTRATION; PROVIDING FOR COUNTYWIDE APPLICATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR DUTIES OF THE VENDOR; PROVIDING FOR DUTIES OF THE CLERK OF COURTS; PROVIDING FOR GENERAL REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lake County finds that underage drinking is a serious problem in Lake County;

WHEREAS, the Board of County Commissioners of Lake County desires to reduce underage access to alcohol; and

WHEREAS, the Board of County Commissioners of Lake County finds that kegs are often a main source of alcohol for parties where underage drinking occurs;

WHEREAS, the Board of County Commissioners of Lake County finds that keg registration will ensure that adults who purchase kegs and allow underage youth to consume alcohol from them will be more easily identifiable; and

WHEREAS, the Board of County Commissioners of Lake County finds that keg registration is in the best interests of the citizens of Lake County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida that:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

1 **Section 2. Creation.** Section 3-7 of the Lake County Code, entitled Keg
2 Registration, is created to read as follows:

3
4 **Sec. 3-7. Keg Registration.**

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6 **(a) Title and Purpose.**

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8 This section shall be known as the “Lake County Keg Registration Ordinance.” The purpose of
9 this article is to provide a method of tracing unclaimed kegs that have been provided to underage
10 youth.

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12 **(b) Application.**

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14 This section shall apply to both the incorporated and unincorporated areas of Lake County.

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16 **(c) Definitions.**

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18 The following words, terms and phrases, when used in this section, will have the meanings
19 ascribed to them in this section, except where the context clearly indicates a different meaning:

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21 (1) **Keg** means any container capable of holding four or more gallons of beer which is
22 designed to dispense beer directly from the container for the purpose of consumption.

23
24 (2) **Keg registration form** means a form available free of charge from the Lake
25 County Clerk of Courts which is used to record the information required by this section.

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27 (3) **Keg registration tag** means a device available free of charge from the Lake
28 County Clerk of Courts which is designed to be affixed to kegs.

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30 (4) **Vendor** means any person located in Lake County selling kegs for off-premises
31 consumption. A Vendor does not include a person selling kegs for on-premises
32 consumption or to any caterer licensed under Florida Statute 561.2(2)(a)(5) or Chapter
33 509.

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35 **(d) Duties of the Vendor.**

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37 (1) All Vendors shall place a keg registration tag on each purchased keg which is sold
38 in order to allow kegs to be traced if the contents are used in violation of any federal,
39 state, or county legislation. All Vendors shall copy the information from the keg
40 registration tag onto a keg registration form.

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42 (2) All Vendors shall require each purchaser to provide the following information on
43 a keg registration form: his or her name, home address, phone number, and the location
44 where alcohol from the keg will be consumed. The purchaser shall be required to
45 produce a valid driver’s license, state, federal or military identification card. The
46 purchaser shall also be required to produce a second form of identification which has an

1 embossed or typed name. This identification may include but is not limited to: student
2 identification card, voter identification card, credit card, health insurance or benefit card,
3 employment identification badge, social security card, birth certificate, or passport. All
4 Vendors shall record the type of identification presented on a keg registration form.
5

6 (3) All Vendors shall require each purchaser to sign a statement printed on the keg
7 registration form, which states the following: I, (purchaser's name), state under penalty of
8 law that I am at least 21 years of age or older, do not intend to allow persons under 21
9 years of age to consume the alcoholic beverages purchased, and will not remove or make
10 unreadable the keg registration tag affixed to the keg or allow it to be removed or made
11 unreadable and that the purchaser acknowledges that removal or making the keg
12 registration tag unreadable or furnishing alcoholic beverages to persons under the age of
13 21 years may result in criminal prosecution.
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15 (4) All Vendors shall retain copies of all keg registration forms for a period of one
16 year from the date of the purchase.
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18 (5) If a purchaser obtains more than one keg from the same Vendor on the same date,
19 one keg registration form may be completed if all of the required information for each
20 keg is included on the form.
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22 (6) Vendors shall not return any keg deposit for any keg which is missing the keg-
23 registration tag.
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25 **(e) Duties of the Clerk of Courts.**
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27 (1) The Clerk of Courts shall provide keg registration tags and keg registration forms
28 to Vendors free of charge.
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30 (2) The Clerk of Courts shall keep a log of Vendors who receive keg registration
31 tags and the keg registration tag numbers which each Vendor receives.
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33 **(f) General Regulations.**
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35 (1) No person, except a Vendor or police officer, shall knowingly remove, alter,
36 deface, or obliterate the keg registration tag.
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38 (2) It shall be illegal to falsify any information required by this article.
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40 (3) It shall be illegal to possess an unregistered keg in Lake County. This
41 provision shall not apply to authorized manufacturers or distributors as defined by Florida
42 Statute 563.022 or Vendors.
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(g) Penalties

Violations of this article shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the Lake County Detention Center not to exceed 60 days or by both such fine and imprisonment.

Section 3. Inclusion in Code. It is the intent of the Lake County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective as provided for by law.

Enacted this _____ day of _____, 2008.

Filed with the Secretary of State _____, 2008.

Effective _____, 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Welton G. Cadwell, Chairman

This _____ day of _____, 2008.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney