

INTRODUCED BY:



ORDINANCE NO. 2009-XX

A BILL TO BE ENTITLED

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 PERSONS NOT HOLDING AN ALCOHOLIC BEVERAGE LICENSE AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

**Now, Therefore**, be it ordained by the City Council of Neptune Beach, Florida:

**Section 1.** Sec. 4.7 Persons not holding an alcoholic beverage license is hereby amended as follows:

Sec. 4-7. Persons not holding an alcoholic beverage license.

It shall be unlawful for any person(s) or business operating for profit, but not licensed to sell alcoholic beverages within the city, to sell, serve, give away or dispense alcoholic beverages or allow the same to be consumed upon any business ~~premises between the hours of 2:00 a.m. and 7:00 a.m. all days of the week.~~

Sec. 4-8. Premises where retail sales for off-premise consumption are permitted.

(a) Retail sale, limited to beer as defined by F.S. § 563.01, and wine as defined by F.S. § 564.01 shall be permitted only upon the following licensed premises.

- (1) Businesses within the C-2, C3 and CBD zoning districts abutting Atlantic Boulevard or Third Street.
- (2) Establishments in locations presently open for business and where a current valid alcoholic beverage license exists as of the effective date of this section.

(b) Retail sale of alcoholic beverages, which includes liquor as defined by F.S. § 565.01 in addition to beer and wine, shall be permitted only under the following conditions and upon the following licensed premises.

- (1) Business properly licensed by the city for the retail sale of alcoholic beverages, and
- (2) Business located within the C2, C3 and CBD zoning districts only and subject to zoning codes of this city Code.

(Ord. No. 2005-08, § 4, 5-2-05)

**State law references:** Authority to regulate location of alcoholic beverage establishments, F.S. § 562.45(2).

Sec. 4-9. Premises where sales for on-premises consumption are permitted.

The sale of any alcoholic beverages for on-premise consumption, including beer, wine and liquor shall be properly licensed by the city, and shall be limited only to restaurants, cafes, bars and private clubs within commercial zoning districts or the central business district in compliance with chapter 27 of the city Code.

(Ord. No. 2005-08, § 4, 5-2-05)

**State law references:** Authority to regulate location of alcoholic beverage establishments, F.S. § 562.45(2).

Sec. 4-10. Existing establishments and alcoholic beverage licenses previously issued.

(a) Businesses, where a current valid alcoholic beverage license and a current valid occupational license exist as of the effective date of this amended ordinance, may continue to operate in accordance with this chapter, and the right to renew such licenses shall not be changed by provisions of this chapter, provided that such business is in compliance with other applicable provisions of the city Code.

(b) A current valid alcoholic beverage license may be transferred to a new location within the city provided that such new location is in compliance with chapter 27 of the city Code. The number of times the license may be transferred shall not be limited as long as each new location meets the requirements of this chapter and other applicable provisions of the city Code.

(Ord. No. 2005-08, § 4, 5-2-05)

Sec. 4-11. Lighting requirements on premises.

Business licensed to sell alcoholic beverages within the city, shall maintain sufficient lighting for the safety of patrons and employees during all times that the business is open or occupied by employees.

(Ord. No. 2005-08, § 4, 5-2-05)

Sec. 4-12. Consumption on licensee's premises.

It shall be unlawful for any person(s) to consume alcoholic beverages on any licensed premises except:

- (1) Inside of the building that is the licensed premises; or
- (2) Within a recreation area contiguous to the building that is owned or leased, and maintained and controlled by the licensee and used exclusively for recreational purposes including but not limited to golf facilities, tennis facilities, swimming facilities, or other recreational purposes; or
- (3) Within an outdoor seating or dining area contiguous to the building that is owned or leased, and maintained and controlled by the licensee.

(Ord. No. 2005-08, § 4, 5-2-05)

Secs. 4-14--4-25. Reserved.

**Section 2** This Ordinance shall become effective immediately upon its final passage and adoption by the City Council.

**VOTE RESULTS OF FIRST READING:**

Mayor Harriet Pruette  
Vice Mayor John Weldon  
Councilor Fred Lee  
Councilor Eric Pardee  
Councilor Kara Tucker

Passed on First Reading this day of , 2009.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Harriet Pruette  
Vice Mayor John Weldon  
Councilor Fred Lee  
Councilor Eric Pardee

Councilor Kara Tucker

Adopted on Second and Final Reading this    day of    , 2009.

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Harriet Pruette  
Mayor

ATTEST:

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Lisa Volpe, CMC  
City Clerk

Approved as to form and correctness:

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Christopher A. White  
City Attorney