

INTRODUCED BY:
COUNCILOR WELDON



ORDINANCE NO. 2009-07

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 EMPLOYEES 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. Employees is hereby deleted as follows:

~~Sec. 4-7. Employees.~~

~~No vendor (series COP only) licensed under the beverage law may employ for service on the licensed premises at any time any person who has not filed a sworn application on a form furnished by the city and fingerprints on regular department of justice forms with the police department, and been approved by the chief of police as meeting the qualifications for such employment as hereinafter set forth. To be qualified for such employment by a vendor (COP only), persons must be of good moral character and not less than eighteen (18) years of age; shall not have been convicted within the last five (5) years of any offense against the beverage laws of this state, the United States or any other state, or convicted within the last past five (5) years in this state or any other state or the United States of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place or illegally dealing in narcotics, or convicted in the last past fifteen (15) years of any felony in the state, or convicted in any other state or the United States of any offense designated as a felony by the state or the United States. The chief of police shall refuse to permit employment by a vendor (COP only) of any person who does not meet the qualifications for an employee set forth in this section.~~

~~(Code 1959, § 3-14; Ord. No. 2005-08, § 3, 5-2-05)~~

~~**State law references:** Certain local employment registration prohibited, F.S. § 166.0443.~~

~~Sec. 4-8 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.~~

~~(Ord. No. 2005-08, § 4, 5-2-05)~~

~~Sec. 4-9 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. 4-10~~ 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. 4-11~~ 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. 4-12~~ 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. 4-13~~ 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 Pruetto	Yes
Vice Mayor John Weldon	Yes
Councilor Fred Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes

Passed on First Reading this 3rd day of August, 2009.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Adopted on Second and Final Reading this 9th day of September, 2009.

Harriet Pruetto
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney