

ORDINANCE NO. 2017 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 81-22, AS AMENDED, SPECIFICALLY AMENDING SECTION 2, PURPOSE; SECTION 3, DEFINITIONS; AND SECTION 4, LIMIT OF SALES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, finds that the Sunday Hours of Sale of Alcoholic/Intoxicating Beverages should be uniform for the unincorporated areas of Amelia Island and the SR200/A1A Access Management Overlay District; and

WHEREAS, the Board of County Commissioners finds that amending the hours of Sunday sale of alcoholic/intoxicating beverages is not detrimental to the health, safety and general welfare of the citizens of Nassau County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 81-22, as amended, shall be further amended as follows:

Section 1. Title

This section shall be known as the "Sunday Hours of Sale of Alcoholic Beverages".

Section 2. Purpose.

The purpose of this section is to regulate the hours of sale of alcoholic/intoxicating beverages on Sundays.

Section 3. Definitions.

For the purposes of this section, the following terms and/or definitions shall have the meaning given herein:

- (1) *Alcoholic beverages* shall mean all beverages containing one-half of one (1) percent or more alcohol by volume. ~~more than one (1) percent of alcohol by weight.~~
- (2) *County* shall mean the unincorporated areas of Nassau County, Florida.
- (3) *Establishments* shall mean any place of business where alcoholic/intoxicating beverages are sold, served or permitted to be served or consumed, and licensed under the direction of Alcoholic Beverages and Tobacco.

- (4) Intoxicating beverage and intoxicating liquor shall mean only those alcoholic beverages containing more than 4.007 percent of alcohol by volume.
- (5) *Meals* shall mean food prepared and served in a restaurant.
- (6) *Resorts* shall mean businesses in the tourist overlay district in the unincorporated areas of Amelia Island that contribute monies pursuant to Ordinance No. 88-31 and have rooms for public lodging available on a daily or weekly basis and that provide services generally provided by a hotel.
- (7) *Restaurant* shall mean the area or areas designated by the resort that have food prepared for immediate consumption, and served and sold in that designated area and said designated area shall be licensed and authorized by the appropriate governmental agency, or any establishment, not designated by a resort, whose principal business is the sale of food to the consumer in a ready-to-consume state, and whose principal method of operation includes customers who are served foods or beverages by a restaurant employee at the same table or counter at which the items are consumed, and is licensed and authorized by the appropriate governmental agency.
- (8) *Sale* shall mean any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with or as a part of a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage, or permitting an alcoholic beverage to be served or consumed, in any place holding a license under the division of alcoholic beverages and tobacco.

Section 4. Limit of Sale.

No alcoholic beverages shall be sold served or permitted to be served between the hours of 2:00 a.m. and 2:00 p.m. on Sundays, except for the following:

- (1) Resort businesses, including restaurants within the resorts, in the tourist overlay district in the unincorporated areas of Amelia Island, licensed by the appropriate governmental agency, that contribute monies pursuant to Ordinance No. 88-31, the Tourist Development Tax Ordinance, may sell, serve, or permit to be served alcoholic/intoxicating beverages on resort owned or controlled property on Sunday commencing at 7:00 a.m.
- (2) Restaurants, and vendors of alcoholic/intoxicating beverages for off-premises consumption, in the unincorporated areas of Amelia Island may sell, serve, or permit to be served alcoholic/intoxicating beverages on Sunday commencing at 12:00 noon. The ability for restaurants to sell, serve or permit to be served alcoholic/intoxicating beverages shall only be in conjunction with meals.
- (3) Restaurants, and vendors of alcoholic/intoxicating beverages for off-premises consumption, located in the unincorporated areas of Amelia Island serving alcoholic/intoxicating beverages, with meals, shall be exempt from any restrictions of Ordinance No. 71-16 and Ordinance No. 97-19, as amended, which state that the sale of alcoholic or intoxicating beverages shall not be permitted within one thousand (1,000)

feet in airline distance measured from building to building at their closest points to any established school or church.

- (4) Restaurants, as defined in Article 32 of the Nassau County Land Development Code, located in the SR200/A1A Access Management Overlay District, may sell, serve, or permit to be served alcoholic/intoxicating beverages commencing at 12:00 Noon on Sundays. The ability for restaurants to sell, serve or permit to be served alcoholic/intoxicating beverages shall only be in conjunction with meals.
- (5) The sale of alcoholic/intoxicating beverages for off-premise consumption shall be permitted within the SR200/A1A Access Management Overlay District commencing at 12:00 Noon on Sundays.

Section 5. Resolutions.

All resolutions in conflict with the provisions of this section are hereby repealed.

Section 6. Violations and Penalties.

Any person that shall fail to comply with or violate any of the provisions of this section, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) and/or imprisoned for a term not exceeding sixty (60) days.

Section 7. Effective Date.

The Effective date of this Ordinance shall be upon its being filed with the Department of State.

DULY ADOPTED this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

MICHAEL S. MULLIN