



COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 11/29/2017 Meeting Date: 12/7/2017

Name: Joel Foreman Department: County Attorney

Division Manager's Signature:

A handwritten signature in blue ink that reads "Ben Scott".

1. Nature and purpose of agenda item:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE COUNTY CODE OF ORDINANCES TO PERMIT THE SALE AND CONSUMPTION OF LIQUOR AND ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS ON SUNDAYS AND TO EXTEND THE HOURS OF SALE FOR LIQUOR AND ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

2. Recommended Motion/Action:

There is no recommended motion or action.

3. Fiscal impact on current budget.

This item has no effect on the current budget.

**COLUMBIA COUNTY, FLORIDA
ORDINANCE NO. 2017-22**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE COUNTY CODE OF ORDINANCES TO PERMIT THE SALE AND CONSUMPTION OF LIQUOR AND ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS ON SUNDAYS AND TO EXTEND THE HOURS OF SALE FOR LIQUOR AND ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Columbia County Board of County Commissioners previously adopted Ordinance No. 2004-26 which has been codified in Chapter 10 of the County Code of Ordinances and which provides, among other things, for restrictions upon the sale and consumption of liquor and alcoholic beverages at alcoholic beverage establishments;

WHEREAS, the hours of sale of liquor and alcoholic beverages is restrained by Ordinance No. 2004-26, as codified in Chapter 10 of the Columbia County Code of Ordinances; and

WHEREAS, the Columbia County Board of County Commissioners hereby asserts that the passage of this Ordinance to amend the Code of Ordinances as set forth herein constitutes the imposition of a lesser restriction upon personal rights and individual interests necessary to protect the interest of government and the citizens of Columbia County, all while balancing private and personal interests to promote and protect the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:

Section 1. FINDINGS

The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this Ordinance.

Section 2. AUTHORITY

This ordinance is enacted pursuant to the statutory police powers of Columbia County to establish and enforce laws that are necessary for the protection of the public, and further under authority of the provisions of Sections 562.14 and 562.45(2), Florida Statutes. This Ordinance shall apply to all the unincorporated areas of Columbia County, Florida.

Section 3. HOURS OF SALE EXTENDED MONDAY THROUGH SATURDAY

Section 10-33 of the Code of Ordinances is amended as follows:

Sec. 10-33. – Monday through Saturday ~~H~~hours for sale, consumption or service.

Liquor and other alcoholic beverages may be sold, consumed or served, or permitted to be sold, consumed or served, in any alcoholic beverage establishment on Monday through Saturday of each day of the week only between the hours of 7:00 a.m. of each day and ~~4:00~~ 2:00 a.m. of the succeeding day. Alcoholic beverage establishments selling, serving, or permitting consumption under this part shall make “last call” not later than one-half hour before the deadline provided hereunder and all sales, service, and consumption shall cease at or before 2:00 a.m. without exception. All patrons, customers, and any other individuals other than bona fide employees of an alcoholic beverage establishment selling, serving, or permitting consumption under this part shall vacate the premises of the alcoholic beverage establishment at or before 2:00 a.m. without exception, and the alcoholic beverage establishment shall ensure compliance with this part by removing patrons, customers, or individuals other than its bona fide employees from the premises at or before that time.

Section 4. SUNDAY SALES AND CONSUMPTION PERMITTED

Section 10-34 of the Code of Ordinances is amended as follows:

Sec. 10-34. - ~~Prohibited~~ Sunday hours for sale.

(a) Generally. ~~After 1:00 a.m. on Sundays, no liquor shall be sold, consumed, served or permitted to be sold, consumed or served in any alcoholic beverage establishment. The serving, consumption or sale of other alcoholic beverages on Sunday in any alcoholic beverage establishment shall be permitted only between the hours of 7:00 a.m. and 12:00 midnight.~~ Liquor and other alcoholic beverages may be sold, consumed or served, or permitted to be sold, consumed or served, in any alcoholic beverage establishment on Sunday between the hours of 7:00 a.m. 12:00 midnight.

(b) Exception. Notwithstanding the provisions of subsection (a) of this section in the event December 31 of any year falls on a Sunday, all liquor and alcoholic beverages may be sold, consumed or served, or permitted to be sold, consumed or served, on that Sunday in any alcoholic beverage establishment between the hours of ~~5:00 p.m. and 12:00~~

~~midnight~~ 7:00 a.m. and 2:00 a.m. of the succeeding day.

(c) Alcoholic beverage establishments selling, serving, or permitting consumption under this part shall make a “last call” not later than one-half hour before the deadline provided hereunder and all sales, service, and consumption shall cease at or before the applicable deadline without exception. All patrons, customers, and any other individuals other than bona fide employees of an alcoholic beverage establishment operating under this part shall vacate the premises of the establishment at or before midnight or 2:00 a.m., as applicable, without exception, and the alcoholic beverage establishment shall ensure compliance with this part by removing patrons, customers, or individuals other than its bona fide employees from the premises at or before that time.

Section 5. SEVERABILITY

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. EFFECTIVE DATE

This Ordinance shall take effect immediately upon a certified copy hereof being filed with the Florida Department of State.

DULY ADOPTED by the Board of County Commissioners of Columbia County, Florida, this ____ day of _____, 2017

BOARD OF COUNTY COMMISSIONERS COLUMBIA COUNTY, FLORIDA

By: _____
Ron Williams, Chair

Approved as to form and legality:

ATTEST:

Joel F. Foreman, County Attorney

P. Dewitt Cason, Clerk of Court