ORDINANCE 2024-03

AN ORDINANCE AMENDING CHAPTER 10 "ALCOHOLIC BEVERAGES" OF THE HIGH SPRINGS CODE OF ORDINANCES; PROVIDING FOR A SPECIAL PERMIT APPLICATION PROCESS FOR BUSINESSES HOLDING A BEVERAGE LICENSE, DERIVING LESS THAN 51 PERCENT OF THEIR REVENUE FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES, WHO DESIRE TO BE SELL ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION OUTSIDE OF THE HOURS PRESCRIBED IN SECTION 10-2(d) OF THE CITY OF HIGH SPRINGS CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION

WHEREAS, Chapter 10 of the High Springs Code of Ordinances regulates the sale of alcoholic beverages within the City limits; and

WHEREAS, on December 16, 2008, the City Commission amended Chapter 10 in Ordinance 2008-34 to allow for the sale of alcohol during specific hours on Sunday for malt beverages and unfortified beverages at businesses that derive at least 51 percent of their gross revenue from the sale of food and nonalcoholic beverages; and

WHEREAS, on April 9, 2015, the City Commission amended Chapter 10 in Ordinance 2015-03 lifting restrictions on the type of alcohol for Sunday on-premises consumption at businesses that derive at least 51 percent of their gross revenue from the sale of food and nonalcoholic beverages; and

WHEREAS, the Commission has determined that providing an avenue to remove regulatory barriers to businesses via special permit applications, such as restrictions on the sale of alcoholic beverages during times presently unpermitted by the Code of Ordinances for the City of High Springs by businesses that derives less than 51 percent of their gross revenue from the sale of food or nonalcoholic beverages will encourage growth and development of the City, enhance economic prosperity, diversity, and opportunity; and

WHEREAS, the City Commission of the City of High Springs has determined that it is desirable to amend Section 10-2 of the High Springs Code of Ordinances by adding a special permit application process to allow businesses holding a beverage license, deriving less than 51 percent of their gross revenue from the sale of food or nonalcoholic beverages, to serve alcoholic beverages for on-premises consumption outside of the times permitted in Section 10-2(d) of the Code of the City of High Springs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HIGH SPRINGS:

Section 1: Section 10-2 of the High Springs Code of Ordinances entitled "Hours of Sale" is hereby amended to read as follows (words ~~**struck through**~~ have been deleted, and words **underlined** have been added):

(a) Packaged sales for off-premises consumption of malt beverages and unfortified wine shall be permitted on Monday through Saturday, inclusive, between the hours of 7:00 a.m. and 12:00 midnight, and on Sunday between the hours of 1:00 p.m. and 11:00 p.m.

(b) Packaged sales for off-premises consumption of all alcoholic beverages except malt beverages and unfortified wine shall be permitted on Monday through Saturday, inclusive, between the hours of 7:00 a.m. and 12:00 midnight.

(c) Sales for on-premises consumption of alcoholic beverages in any business holding a beverage license, which business derives at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages, shall be permitted on Monday through Thursday, inclusive, and Saturday between the hours of 7:00 a.m. and 12:00 midnight, on Friday between the hours of 7:00 a.m. and 2:00 a.m. immediately following, and Sunday between the hours of 1:00 pm. and 11:00 p.m. When December 31 occurs on a Saturday through Thursday, sales of all alcoholic beverages on those days shall be permitted to continue until 2:00 a.m. immediately following.

(d) Sales for on-premises consumption of alcoholic beverages in any business holding a beverage license, which business derives less than 51 percent of its gross revenue from the sale of food and nonalcoholic beverages, shall be permitted on Monday through Thursday, inclusive, and Saturday, between the hours of 7:00 a.m. and 12:00 midnight, and on Friday between the hours of 7:00 a.m. and 2:00 a.m. immediately following. When December 31 occurs on a Monday through Thursday or Saturday, such sales of alcoholic beverages on those days shall be permitted to continue until 2:00 a.m. immediately following. When December 31 occurs on a Sunday, such sales of alcoholic beverages shall be permitted from 6:00 p.m. of the Sunday until 2:00 a.m. immediately following.

(e) **Notwithstanding the foregoing, a business holding a beverage license, which derives less than 51 percent of its gross revenue from the sale of food and nonalcoholic beverages, may petition the City for a Special Permit to allow sales for on-premises consumption of alcoholic beverages outside of the hours described in Paragraph (d) with the following requirements and restrictions:**

1. **Businesses applying for a Special Permit to operate outside of the hours described in Paragraph (d) must supply, with their Special Permit Application, proof of food service or Food Trucks on business premises during the scheduled event.**
2. **If the Special Permit is applied for in connection with a Sunday associated with a Citywide event (e.g. Pioneer Day) or Federal Holiday (New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, Cinco de Mayo), it shall be subject to administrative approval.**
3. **If the Special Permit is not applied for in connection with a Sunday associated with a Citywide event (e.g. Pioneer Day) or Federal Holiday (New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day,**

Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, Cinco de Mayo), it shall be subject to city commission approval.

4. **The Special Permit shall not be issued for a time period exceeding forty-eight (48) hours.**
5. **Applications may include multiple future events in one application.**

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon its passage at second and final reading.

Section 5. Codifier. All text shown in ~~**bold and strike through**~~ is to be deleted. All text shown in **bold and underline** is adopted.

DONE THE FIRST READING, by the City Commission of the City of High Springs, Florida, at a regular meeting, this 9th day of May , 2024.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of High Springs, Florida, by the City Clerk of the City of High Springs, Florida on the 30th day of May, 2024.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of High Springs, Florida, at a regular meeting, this 13th day of June , 2024.

BY THE MAYOR OF THE CITY OF HIGH SPRINGS, FLORIDA

Katherine Weitz, Mayor

ATTEST, BY THE CLERK OF THE CITY COMMISSION OF THE CITY OF HIGH SPRINGS, FLORIDA:

Angela Stone, City Clerk

APPROVED AS TO FORM AND LEGALITY:

S. Scott Walker, City Attorney