

ORDINANCE 2015-10

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, TO CLARIFY THE OPERATING HOURS OF PLACES IN WHICH ARE LOCATED A LICENSE GRANTED BY THE DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO OF THE DEPARTMENT OF BUSINESS REGULATION OF THE STATE; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AS FOLLOWS:

(Words in ~~struck-through type~~ are deletions; words in underscore type are additions.)

SECTION I: AMENDMENT. Section 6-1 of Chapter 6 of the Code of Ordinances of the County of Volusia is hereby amended as follows:

Sec. 6-1. - Hours of sale.

- (a) *Generally.* Alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in containers, by the drink or otherwise, in any place ~~holding a license under~~ in which is located a license granted by the division of alcoholic beverages and tobacco of the department of business regulation of the state, within the territorial limits of the county, outside the corporate limits of any city or town therein, by any person, firm or corporation, vendor or distributor holding such license, on weekdays and Saturdays between the hours of 7:00 a.m. and 2:00 a.m. on the following morning and between the hours of 2:00 p.m. Sunday and 2:00 a.m. the following Monday; except that beer and wine may be sold, consumed or served, or permitted to be served or consumed, between the hours of 7:00 a.m. Sunday and 2:00 a.m. the following Monday morning. Any person selling, consuming, serving, or permitting alcoholic beverages to be sold, consumed, or served in any place in which is located a license granted by the division of alcoholic beverages and tobacco of the department of business regulation of the state

at a time other than allowable in this subsection or subsection (d) shall be in violation of this subsection.

(b) Closing time. No place in which is located a license granted by the division of alcoholic beverages and tobacco of the department of business regulation of the state allowing consumption on the premises shall be open for operation, or have patrons on the premises, except during hours of operation set forth in subsections (a) or (d). Any person allowing such place to be open for operation or to have patrons at a time other than allowable in subsections (a) or (d) shall be in violation of this subsection.

(~~b~~) (c) Exceptions. Nothing contained in this section shall apply to beverages served upon any dining, club, parlor, buffet or observation car operated on any railroad; but such beverages may be sold only to passengers upon said cars and must be served for consumption thereon.

(~~e~~) (d) Extension of hours on certain days. The hours of sale for alcoholic beverages that may be sold, consumed, served or permitted to be served or consumed shall be extended as follows:

- (1) From 7:00 a.m. December 31, New Year's Eve, until 3:00 a.m. January 1, New Year's Day.**
- (2) From 7:00 a.m. July 4 until 3:00 a.m. July 5.**
- (3) From 7:00 a.m. Labor Day until 3:00 a.m. the following morning.**
- (4) From 7:00 a.m. until 3:00 a.m. the following morning during periods of the year designated as Race Weeks and Motorcycle Week. For the purposes of this section, the term "Race Weeks" is defined as that period of time terminating at 3:00 a.m. following the day of the automobile race known as the Daytona 500, and beginning 14 days prior thereto; and the term "Motorcycle Week" is defined as that period of time terminating at 3:00 a.m. following the day of the motorcycle race known as the Daytona 200, and beginning seven days prior thereto. In the event any day of "Motorcycle Week" falls on the second**

Sunday of March, the hours of sale shall be extended until 4:00 a.m. only for that day.

~~(d)~~(e) *Penalty.* Violations of this section are punishable as provided in section 1-7.

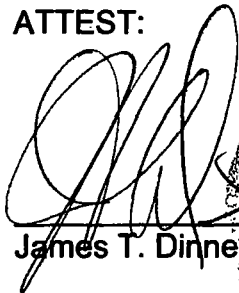
SECTION II: SEVERABILITY. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections or sections shall remain in full force and effect.

SECTION III: CODIFICATION. The provisions of Sections I, II, and III of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and, if necessary, shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION IV: EFFECTIVE DATE. This Ordinance shall take effect upon electronic filing of a certified copy with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 16th DAY OF JULY, A.D. 2015.

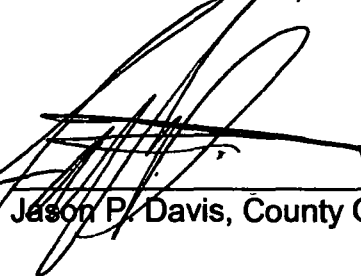
ATTEST:



James T. Dinneen, County Manager



COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA



Jason P. Davis, County Chair