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Ordinance 84- 3

AN ORDINANCE PROHIBITING THE EXPOSURE OF PRIVATE PARTS OR FEMALE BREASTS IN AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES; PROHIBITING THE USE OF ANY DEVICE OR COVERING WHICH SIMULATES PRIVATE PARTS OR FEMALE BREASTS IN AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES, OR ALLOWED TO BE CONSUMED ON PREMISES: PROHIBITING ANY PERSON OWNING, MAINTAINING, OR OPERATING AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES OR ALLOWED TO BE CONSUMED ON PREMISES FROM SUFFERING OR PERMITTING, ON THE PREMISES OF SAID ESTABLISHMENT, THE EXPOSURE OF PRIVATE PARTS OR FEMALE BREASTS OR THE USE OF ANY DEVICE OR COVERING WHICH SIMULATES PRIVATE PARTS OR FEMALE BREASTS; LEGISLATIVE AUTHORIZATION; PROVIDING FOR PENALTIES; SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, finds that there is a direct relationship between the concurrent consumption of alcoholic beverages and the nude and semi-nude activities mentioned above and an increase in criminal activities, moral degradation and disturbance of the peace and good order of the community and further finds that the concurrency of these activities is hazardous to the health and safety of the persons in attendance and tends to depreciate the value of the adjoining property and harm the economic welfare of the community as a whole, and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, finds that the competitive commercial exploitation of such nudity is adverse to the public's interest in the quality of life, tone of commerce, and total community environment in Nassau County; and,

WHEREAS, the Board of County Commissioners of Nassau County, Florida, finds that in order to preserve the public peace and good order, and to safeguard the health, safety and welfare of the community and the citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, and patrons of the commercial establishments subject hereto.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. LEGISLATIVE AUTHORIZATION

This Ordinance is adopted pursuant to Article VIII, Section 1, under the State Constitution and Section 125.01(o) of the Florida Statutes.

SECTION 2. DEFINITION

2.1 "SALE & SELL" means 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 by a club licensed under the beverage law.

2.2 "Commercial Establishment" means not only rooms where alcoholic beverages are stored or sold, but also all other rooms in the building which are so closely connected therewith as to admit free passage from drinking parlor to other rooms of which the owner or operator has some dominion or control.

SECTION 3. PROHIBITION

3.1 It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the unincorporated areas of Nassau County, Florida, at which alcoholic beverages are offered for sale on pemise or allowed to be consumed on the premises:

A. To suffer or permit any female person, while on the premises of said commercial establishment, to expose to the public view that area of the human female breast at or below the areola thereof.

B. To suffer or permit any female person, while on the premises of said commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in Section 3.1(A)

C. To suffer or permit any person, while on the premises of said commercial establishment, to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage.

D. To suffer or permit any person, while on the premises of said commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft or cleavage.

3.2 It shall be unlawful for any female person, while on the premises of a commercial establishment located within the unincorporated areas of Nassau County, Florida, at which alcoholic beverages are offered for sale for consumption on the premises and or allowed to be consumed on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.

3.3 It shall be unlawful for any person, while on the premises of a commercial establishment located within the unincorporated areas of Nassau County, Florida, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

SECTION 4. PENALTIES

Any person who shall violate any section of this Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment in the County Jail not to exceed sixty (60) days, or both.


SECTION 5. SEVERABILITY.

It is declared to be the legislative intent that, if any section, sub-section, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 6. EFFECTIVE DATE

This Ordinance takes effect immediately upon receipt of the official acknowledgement from the Office of the Secretary of the State of Florida that this Ordinance has been filed with said office.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, THIS 20th DAY OF - March, 1984.


John F. Claxton
Its: Chairman


T. J. Greeson. Its: Ex-officio Clerk