

ORDINANCE NO. 93 - 16

AN ORDINANCE PROHIBITING THE CONSUMPTION BEER, WINE, OR OTHER ALCOHOLIC/INTOXICATING BEVERAGES ON ANY STREET, HIGHWAY, RIGHT-OF-WAY, SIDEWALK, PARK OR BUILDING OR OTHER PUBLIC PLACES; PROHIBITING AND MAKING IT UNLAWFUL FOR ANY PERSON TO HAVE IN HIS/HER POSSESSION ANY CUP, CAN, OR OTHER OPEN OR UNSEALED CONTAINER OF BEER, WINE, OR OTHER ALCOHOLIC/INTOXICATING BEVERAGES IN THE PASSENGER COMPARTMENT OR WITHIN THE REACH OF ANY DRIVER OR PASSENGER OF ANY MOTOR VEHICLE WHILE SUCH VEHICLE IS BEING OPERATED ON ANY OF THE STREETS, ROADS, HIGHWAYS, OR PARKING AREAS OR LOTS WITHIN THE UNINCORPORATED AREAS OF NASSAU COUNTY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to enact the following ordinance.

NOW, THEREFORE, BE IT ORDAINED this 26th day of July, 1993, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. CONSUMPTION WHILE OPERATING A MOTOR VEHICLE.

1. It shall be unlawful for any person to consume any beer, wine, or alcoholic/intoxicating beverage while operating a motor vehicle on the public streets of the unincorporated areas of Nassau County.

2. For the purpose of this Ordinance, "motor vehicle" shall be as such is defined in Florida Statutes, Section 320.01, together with mopeds and any other motorized vehicle.

SECTION 2. OPEN CONTAINERS

1. It shall be unlawful for any person to have in his/her possession any cup, can, or other open or unsealed container, without limitation, of any beer, wine, or alcoholic/intoxicating

beverage, in the passenger compartment or within the reach of any driver or passenger of any motor vehicle while such vehicle is being operated on any of the streets, roads, highways, or parking areas or lots within the unincorporated areas of Nassau County.

2. This provision shall not apply to licensed wholesalers, distillers, retailers, or jobbers transporting such beverages in the ordinary course of business.

SECTION 3. DRINKING BEER, WINE, OR ALCOHOLIC/INTOXICATING BEVERAGES IN PUBLIC PLACES; OPEN CONTAINERS

1. It shall be unlawful for any person to consume or drink any beer, wine, or other alcoholic/intoxicating beverage on any public street, highway, right-of-way, sidewalk, boardwalk, or other public places not duly licensed to permit the consumption of said beverages on the premises in the unincorporated areas of Nassau County.

2. "Public Places" shall be deemed, for the purpose of this Ordinance, to include as well all publicly-owned or controlled properties set aside primarily for public use.

3. It shall be unlawful for any person to have in his/her possession any cup, can, or other open or unsealed container, without limitation, of any beer, wine, or alcoholic/intoxicating beverage, on any public street, roadway, right-of-way, sidewalk, boardwalk, or other public place not duly licensed to permit the consumption of said beverages on the premises in the unincorporated areas of Nassau County.

4. Possession of an open container containing an

alcoholic/intoxicating beverage by any person in the areas prohibited by this Ordinance shall be prima facie evidence of a violation of this Ordinance.

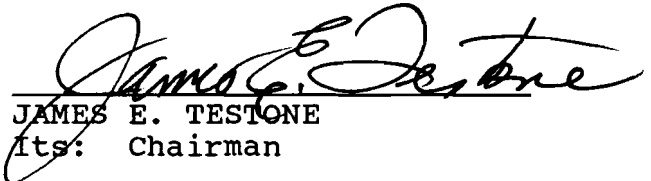
SECTION 4. PENALTY

1. It shall be unlawful for any person to violate or fail to comply with any provision of this Ordinance. The violation of any provision of this Ordinance shall be punishable by a fine not exceeding five hundred dollars (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or by both fine and imprisonment. Each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.


SECTION 5. EFFECTIVE DATE

1. This Ordinance shall become effective upon its being filed in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


JAMES E. TESTONE
Its: Chairman

ATTEST:


T. J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the Nassau
County Attorney


MICHAEL S. MULLIN

6/b:alcohol.ord