

ORDINANCE NO. 1248

AN ORDINANCE ADDING ARTICLE VII "NON-ALCOHOLIC CLUBS" TO CHAPTER 18 OF THE CITY OF LIVE OAK CODE OF ORDINANCES PERTAINING TO DEFINITIONS, LICENSING, PERMITTED HOURS OF OPERATION, AND BUSINESS REGULATIONS AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LIVE OAK, FLORIDA:

Section 1.

That Article VII is added to Chapter 18 of the Code of Ordinances, City of Live Oak, Florida to read as follows:

Sec. 18-196. Purpose.

The City Council hereby finds and declares that the operation of non-alcoholic clubs or dance clubs within the City requires regulation. To advance the public health, safety, and welfare, it is necessary to license and regulate what are commonly referred to as teen clubs, after-hours clubs, dance or night-clubs, by establishing non-alcoholic club regulations and licensing. Such businesses customarily attract large numbers of patrons at late hours, many of whom have been consuming alcoholic beverages and who come to the Non-Alcoholic Dance Club only after licensed alcohol establishments have closed. Such businesses also have the potential to expose teen-aged patrons to negative social elements which would serve to undermine the social stability of the community. Such businesses generate a disproportionate number of police calls, create traffic, noise and parking problems, negatively impact nearby businesses and residences and generally require increased levels of City services.

Sec. 18-197. Definitions.

As used in this Article, the following words and terms shall be defined as follows:

- (a) *City Clerk* means the City Clerk of the City of Live Oak or his or her designee.
- (b) *Licensed premises* means the premises specified in an application for a license under this Article, which are owned or in possession of the licensee, within which such licensee is authorized to conduct a non-alcoholic dance club.
- (c) *Manager* includes the person or those persons, who manage, direct, supervise, oversee, or administer the acts or transactions of employees or

agents of the establishments governed by this Article.

(d) *Non-alcoholic club* means a building, a part of a building, room, or premises, located in a zoning district, which allows for such recreational or club use, wherein in consideration for payment of an admission fee or other monetary gain, persons are admitted for the purposes of a social gathering or some form of recreation, and music, whether live or recorded, vocal or instrumental and a dance floor or dance area may be provided, but which is not licensed to sell, serve or dispense alcoholic beverages, with additional criteria as listed herein. Any commercial establishment operating for profit, which provides for a recreational use or food service or any other products or services in a club environment of a social nature, with an open area within the establishment for the assembly of patrons which exceeds 20% of the gross floor area of the total building or tenant space, which is not licensed to sell, serve or dispense alcoholic beverages, shall also be considered a non-alcoholic club.

(e) *Person* means a natural person, partnership, association, company, corporation or organization or a manager, agent, servant officer or employee thereof.

Sec. 18-198. License, Payment of Fee Required, Display.

(a) No person shall be permitted to operate a Non-Alcoholic Club in the City without a valid and current license as required by this Article.

(b) No Non-Alcoholic Club shall conduct business or operate within the City without first filing an application, paying the applicable fees and being granted a license.

(c) The annual license fee for operating a non-alcoholic dance club shall be payable to the City Clerk at the time an initial application for a license is filed or at the time a renewal application is filed. The license fee is in addition to any application fee or investigation fee required by this Article. Annual license fees shall be nonrefundable unless an application is denied.

(d) In the future, all fees will be set by city council resolution.

(e) Such license shall be prominently displayed at all times upon the premises for which the license was issued.

Sec. 18-199. License-Application.

(a) All applicants for a Non-Alcoholic Club shall file a completed application, accompanied by the required application, investigation and license fee, for such license with the City Clerk on forms to be provided by the City Clerk. Each individual applicant, partner of a partnership, officer or director of a corporation, and manager of a limited liability company and all business managers shall be named in each application form, and each of them shall be photographed and fingerprinted by the Live Oak Police Department.

(b) Each application for a non-alcoholic club license shall contain the following information and be accompanied by the following documents:

(1) If the applicant is:

- a. An individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is eighteen (18) years of age or older; if a foreign national, the individual shall submit satisfactory proof of legal status;
- b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and provide a copy of the partnership agreement, if any;
- c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the State of Florida, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Florida, the names and capacities of all officers, directors, and the name of the registered corporate agent and the address of the registered office for service of process;
- d. A limited liability company, the company shall state its complete name, the date of its formation, evidence that the company is in good standing under the statutes of the State of Florida, or in the case of a foreign company, evidence that it is currently authorized to do business in the State of Florida, and the name of the manager and registered agent and the address of the registered office for service of process.

(2) Whether the applicant or any of the other individuals required to be listed in the application or any manager has been arrested or convicted of any criminal acts involving alcohol or narcotics or dangerous drugs or any crimes of moral turpitude and, if so, the criminal act involved, the date and place of the arrest, the conviction, and the disposition;

(3) Whether the applicant or any of the other individuals required to be listed in the application or any manager are sex offenders required to register with local law enforcement agencies in accordance with local or state statutes;

(4) Whether the applicant or any of the other individuals required to be listed in the application or any manager has previously operated or is currently operating or has been or is currently an officer, director, manager, partner, member, principal owner and/or employee of a legal entity which is operating or has operated an unlicensed non-alcoholic club and, if so, the name and location of the unlicensed club and whether such club has ever been declared a public nuisance, as well as the date and jurisdiction of such declaration as a public nuisance;

(5) Whether the applicant or any of the other individuals required to be listed in the application or any manager has previously operated or is currently operating or has been or is currently an officer, director, manager, partner, member, principal owner and/or employee of any legal entity which has had a previous license under this Article or any other similar non-alcoholic club ordinance from another city or county denied, suspended, revoked, or declared a public nuisance, and, if so, the name and location of the club for which such license was denied, suspended, revoked, or declared a public nuisance, as well as the date of such denial, suspension, revocation, or declaration of public nuisance;

(6) Whether the applicant or any of the other individuals required to be listed in the application or any manager holds any other licenses under this Article or other similar non-alcoholic dance club licenses from another city or county, and, if so, the names and locations of such other businesses;

(7) Whether the applicant or any of the other individuals required to be listed in the application or any manager has previously operated or is currently operating or is currently an officer, director, manager, partner, member, principal owner and/or employee of any legal entity with an interest in a alcohol licensed premise and if so, the name and location of the alcohol licensed premises and whether such license has ever been denied, suspended, revoked, or declared a public nuisance, as well as the date of such denial, suspension, revocation, or declaration of public nuisance;

(8) The location of the proposed non-alcoholic dance club, including a legal description of the property, street address, and telephone number(s), if any;

(9) Satisfactory proof of the applicant's ownership or right to possession of the premises wherein the non-alcoholic dance club will be operated, to include a notarized letter by the property owner stating such rights and approval of such an establishment;

(10) If the building wherein the non-alcoholic dance club will be operated is in existence, complete plans and specifications for the interior of the building;

(11) Provide evidence from the Live Oak Development Department that the proposed location of such business complies with the locational requirements of the zoning ordinance;

(12) The applicant's mailing address and residential address;

(13) The applicant's social security number, his federally issued tax identification number, and his date of birth; and

(14) Each application for a non-alcoholic dance club shall be verified by the oath or affirmation of the applicant or the applicant's authorized agent.

Sec. 18-200. Application-Fee.

(a) Each applicant, whether an individual, partnership, limited liability company, or corporation, shall pay an application fee at the time of submitting any application to the City Clerk. An application-processing fee shall be one-hundred dollars (\$100.00). Such application fee shall be nonrefundable.

(b) Each applicant shall pay an additional application investigation fee in the amount one-hundred dollars (\$100.00) for each person who will be investigated as required by this Article.

(c) Each applicant shall also pay the initial license fee at the time of submitting an application to the City Clerk. The initial license fee shall be one-hundred hundred dollars (\$100.00).

Sec. 18-201. Determination of completed application.

(a) Not more than fourteen (14) days following submission of an application, the City Clerk shall review the application for completeness and conformance with the application requirements of this Article. The City Clerk shall not accept for filing any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application shall be rejected by the City Clerk and returned to the applicant together with a written explanation of the omission or error without further action by the City Clerk. Any application rejected by the City Clerk due to an omission or error may be resubmitted to the City Clerk when the omission or error has been remedied. For the purposes of this Article, the date the City Clerk determines that an application is complete and in conformance with the application requirements of this Article in every detail, shall be the date the application is deemed filed with the City Clerk.

(b) All applicants shall promptly notify the City Clerk in writing in the event that any information contained in an application has changed or any information is discovered by the applicant to be incorrect in any way from what is stated on the application, and every applicant shall have the continuing duty to promptly update and supplement such information during the term of any Non-Alcoholic Club license issued to the applicant. The failure to notify the City Clerk in accordance with this Article within thirty (30) days from the date of such change or discovery, by supplementing or updating the application on file with the City Clerk, shall be grounds for revocation of any application approval or, where a license has been issued, for the suspension or revocation of an issued Non-Alcoholic Club license.

(c) The applicant may present written documentation to the City Clerk regarding his or her criminal history, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

Sec. 18-202. Investigation

(a) Without undue delay following the City Clerk's determination that an application is complete, the City Clerk shall transmit the application to the Live Oak Police Department for investigation of the background of each individual applicant and each of the other individuals required to be listed in the license application, and to investigate the accuracy of the information provided in the application. The investigation is intended to provide an opportunity to determine whether the application is in conformance with the requirements of this Article based on information and resources available to the City and to determine if any applicant, or those individuals required to be listed in the license application, has been convicted of any criminal act or other criteria as required. The results of such investigation shall not be interpreted or construed as constituting an affirmation or verification by the City that the information contained in the application is factually correct or accurate.

(b) The investigation required by this Article should be completed within thirty (30) days after the application is submitted to the Police Department. The Police Department shall promptly forward the application and its completed investigation to the City Clerk for administrative review.

(c) The City Clerk shall then transmit the application to the Development Manager for review and determination as to whether or not the location meets the distance requirements and other zoning or land development requirements as applicable. Within ten (10) days, the Development Manager will complete the review and transmit the application back to the City Clerk.

Sec. 18-203. License-Issuance; denial; term.

(a) An application with completed background investigation shall be administratively approved or denied by the City Clerk. If, after investigation and review, the City Clerk finds that:

(1) The individual applicant, or each of the officers, directors, managers, partners, members, and/or principal owners of the applicant, and the applicant's manager are eighteen (18) years of age or older; and

(2) The individual applicant, or each of the officers, directors, managers, partners, members, and/or principal owners of the applicant, and the applicant's manager has not been convicted of a felony or any criminal acts involving alcohol or narcotics or dangerous drugs or any crimes of moral turpitude within the last ten (10) years; and

(3) The individual applicant, or each of the officers, directors, managers, partners, members, and/or principal owners of the applicant and the applicant's manager has neither operated nor been an officer, director, manager, partner, member, principal owner and/or employee of any legal entity which has operated a non-alcoholic club or liquor licensed premises whose license has been suspended or revoked, within five (5) years

preceding the date of the license application whether by the City of Live Oak or any other jurisdiction; and

(4) The individual applicant, or each of the officers, directors, managers, partners, members, and/or principal owners of the applicant, and the applicant's manager is not a sex offender required to register with local law enforcement agencies; and

(5) The applicant has submitted proof satisfactory to the Licensing Authority of the applicant's ownership or right to possession of the premises wherein the non-alcoholic club will be operated; and

(6) The building wherein the non-alcoholic club will be operated currently is or will be, as reflected in the required plans and specifications, in compliance with all applicable ordinances, rules, regulations and public safety codes of the State of Florida and the City; and

(7) The applicant did not knowingly make a false statement or knowingly give false information in connection with the application; and

(8) The individual applicant, or each of the officers, directors, managers, partners, members, and/or principal owners of the applicant and the applicant's manager has neither operated nor been an officer, director, manager, partner, member, principal owner and/or employee of any legal entity which has operated a non-alcoholic dance club or liquor licensed premises which was determined to be a public nuisance under state, federal or local law within five (5) years prior to the date of application; and

(9) The corporate or limited liability company applicant is in good standing or authorized to do business in the State of Florida; and

(10) The applicant is not overdue in payment to the City of taxes, fees, fines, or penalties assessed against him or imposed against him in relation to a non-alcoholic dance club; and

(11) That the proposed Non-Alcoholic Club structure location is not located within one thousand feet (1,000') of the parcel boundary of any church, public, parochial or private school grounds, or parcel zoned or utilized in a residential manner. Said distance shall be computed by direct measurement from the nearest portion of the building in which the Non-Alcoholic Dance Club is to be located to the nearest portion of the property boundary which the church, school or residence is located.

Then the City Clerk shall, within fourteen (14) days of receipt of the application from the Police Department and Development Manager, administratively approve the issuance of a Non-Alcoholic Club license to the applicant for use at the location identified in the license application as the licensed premises.

(b) If, after investigation and review, the City Clerk determines that any of the criteria set forth in this Article has not been established to his or her satisfaction, the City Clerk shall deny the application. The City Clerk shall prepare written

findings of fact stating the reasons or basis for the denial. A copy of the City Clerk's findings shall be sent by certified mail, return receipt requested, to the address of the applicant as shown in the application within ten (10) days after the date of the City Clerk's denial.

(c) Until a certificate of occupancy or Building Official approval has been issued for the building or structure in which the non-alcoholic club is to be located, no non-alcoholic club license shall be issued by the City Clerk.

(d) All licenses granted pursuant to this Article shall be for a term of one (1) year unless suspended or revoked. Said term shall commence on the date the License is issued and terminate on the anniversary date of the License.

(e) This license shall be in addition to any currently required Business or Occupational Tax License which may be required by the City.

Sec. 18-204. License-Renewals

(a) As a prerequisite to renewal of an existing license issued pursuant to this Article, the applicant must pay the annual license renewal fee in the amount of one-hundred dollars (\$100.00), and file a completed renewal application, with a statement that the information contained in the original License application is still true and correct, or a statement listing those items of information which have changed in the year since the License was originally issued or last renewed, with the City Clerk not less than forty-five (45) days prior to the date of the license expiration. The City Clerk may waive the timely filing requirement where the licensee demonstrates in writing that the failure to timely file is not solely the result of the applicant's negligence; provided that no renewal application shall be accepted by the City Clerk from any licensee after the license for which renewal is requested has expired.

(b) A license that is under suspension may be renewed in accordance with this Article provided that such renewal shall not modify, alter, terminate, or shorten the period or term of the suspension. The suspension of a license shall not extend the term of the license or otherwise relieve the licensee from timely seeking renewal of the license in accordance with this Article. The City Clerk may administratively renew a license after receiving written approval from the Police Department that no provisions of the Ordinance have been violated.

(c) Upon its own motion or upon complaint, the City may conduct a public hearing on a renewal application. No such hearing shall be held until notice thereof has been sent by U.S. mail to the last address provided by the Licensee to the Licensing Authority and hand delivered to the licensed premises.

(d) Prior to any renewal hearing, the Live Oak Police Department shall provide to the City Clerk a report detailing any violation of federal, state or local laws which have occurred on the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, within the previous twelve (12) months.

(e) After the hearing, the City Clerk shall grant an application for renewal if all the criteria of this Article continue to be met.

(f) The City Clerk may deny a renewal application if violations of this Article or of any other state, federal or local law, have occurred on the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, within the previous twelve (12) months.

(g) The City Clerk is authorized to place reasonable conditions and restrictions on any license at the time of renewal.

Sec. 18-205. License-Suspension or Revocation

(a) Upon investigation and evidence provided by City Officials including: Police Chief, Fire Chief, Code Enforcement Officer, Building Official or the City Development Manager, which determines that a violation of the provisions of this ordinance has occurred, the City Clerk may, in accordance with the provisions of this Article, either suspend or revoke any License issued pursuant to this Article upon a finding of any of the following factors:

(1) The licensed premises have been inactive for at least three (3) months;

(2) In the case of a non-alcoholic club license approved for a facility which had, at the time of such approval, not been completed, such licensed premises has not been placed in operation within six (6) months of the license approval;

(3) A criminal activity or incident has occurred upon the licensed premises;

(4) That repeated disturbances of the public peace have occurred within the licensed establishment or upon any parking areas, sidewalks, walkways, access ways or grounds adjacent to, or used by patrons of, the licensed premises involving patrons, employees, or the holder of the License. For purposes of this subsection (a) (4) of Section 18-205, "repeated disturbances of the public peace" shall mean more than one disturbance requiring a response by the Live Oak Police Department in the preceding twelve (12) months;

(5) The licensee or manager knowingly made a false statement or knowingly gave false information in connection with an application for a license or a renewal of a license;

(6) The licensee, manager, or employee knowingly violated or knowingly allowed or permitted a violation of any provision of this Article;

(7) A manager or employee of the licensed establishment is under the age of eighteen (18) years;

(8) The licensee, in the case of a corporation or limited liability company, is not in good standing or authorized to do business in the State of Florida;

(9) The licensee is delinquent in payment to the City or State for any taxes, charges or fees attributable to the operation or the premises of the establishment or non-alcoholic club;

(10) Any person listed on the application has allowed or permitted any violation of state, federal or local law, including the provisions of this Article, within the licensed premises or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the license premises;

(11) That the holder of the License or any employee thereof is illegally offering for sale, or illegally allowing to be consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licenses premises, narcotics or drugs;

(12) That the holder of the license or a responsible manager is not on the premises at all times that the Non-Alcoholic Club is open to the public;

(13) That alcoholic beverages are being consumed on the premises with or without the consent of the holder of the License, by patrons of the licensed establishment or where such beverages are being consumed by patrons of the establishment upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises;

(14) That the Non-Alcoholic Club is being maintained in such a way as to violate any building code, zoning or public health or public safety requirement imposed by the City, county or state ordinance, law or regulation; or

(15) That any provision of this Article has been violated by the licensee or any of its employees, officers or agents.

(b) Nothing in this Article shall prohibit the City of Live Oak from taking any other enforcement action provided for by local laws and regulations, the laws of the State, or of the United States.

(c) A licensee shall be entitled to the following process if the City seeks to suspend or revoke a license based on a violation of this Article.

(1) When there is probable cause to believe that a Licensee has violated or permitted a violation of these provisions, state law, federal law, or local law, the City Clerk shall file a written complaint setting forth the circumstances of the violation.

(2) The City Clerk shall send to the Licensee a copy of the complaint by U.S. mail to the last address provided by the Licensee to the Licensing Authority and by hand delivery to the licensed premises.

(3) The Licensee will be given ten (10) days to demonstrate in writing why the operator's license should not be suspended or revoked.

(4) The City Clerk shall make written findings of fact from the statements and evidence offered and shall reach a conclusion as to whether the alleged violations occurred. Such written findings and conclusion shall be prepared and issued not less than fourteen (14) days following the receipt of any statement received from the Licensee. If the City Clerk determines that a violation did occur, which warrants suspension or revocation of the license pursuant to this Article, it shall also issue an order suspending or revoking the license. A copy of the findings, conclusion, and order shall be hand delivered or mailed to the licensee by certified mail, return receipt requested, at the address as shown on the license application.

(5) In the event of suspension, revocation or cessation of business, no portion of the license application fee shall be refunded.

(6) If suspension of the license is levied, the minimum time period of suspension shall be thirty (30) consecutive days, with no maximum, during which the establishment shall remain closed.

(7) Any violation which occurs subsequent to two (2) suspensions which have occurred in a twelve (12) month licensing period shall be considered grounds for immediate revocation of the license.

(8) If revocation is levied, the establishment shall remain closed and all officers, directors, managers, partners, members, and/or principal owners of the applicant and the applicant's manager(s) listed on the application(s) shall not be permitted to re-apply until five (5) years has elapsed from the date of revocation.

Sec. 18-206. Hours of Operation

Establishments licensed pursuant to this Article shall be permitted to operate or be open to the public on Monday through Thursday, inclusive, between the hours of three (3:00) p.m. and ten (10:00) p.m., and on Friday through Saturday, inclusive, between the hours of three (3:00) p.m. and eleven (11:00) p.m. At no other times, including Sundays, shall establishments licensed pursuant to this Article be permitted to operate or be open to the public. Nonconforming non-alcoholic clubs in the process of obtaining the necessary license shall also be required to follow these hours of operation.

Sec. 18-207. Unlawful Acts.

(a) It shall be unlawful for any person to:

(1) Operate a non-alcoholic club without a valid license as required by this Article or to fail to display such license in a prominent place within the licensed premises so as to be readily available for inspection;

(2) Operate a non-alcoholic club Monday through Thursday, inclusive, between the hours of eleven (10:00) p.m. and three (3:00) p.m. of the

following day, or between eleven (11:00) p.m. Friday and three (3:00) p.m. the following day, or between eleven (11:00) p.m. on Saturday and three (3:00) p.m. the following Monday;

(3) Admit, or permit or otherwise facilitate the admittance into any non-alcoholic club, a customer or patron who is younger than fourteen (14) years old or twenty (20) or more years old;

(4) Sell, serve, give away, dispose of, exchange or deliver or permit the sale, serving, consumption, giving or procuring of any narcotics or dangerous drugs or fermented malt beverages, or malt, vinous, or spirituous liquors or any alcoholic beverage as defined in the beverage law of the State of Florida, as defined in F.S. §561.01 and interpreted by the courts of this state and the state director of the division of alcoholic beverages and tobacco of the department of business and professional regulation, within the licensed premises or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises;

(5) Admit or allow to be admitted into any non-alcoholic dance club, persons in a number that exceeds the maximum occupancy of the licensed premises, as determined by the fire department having jurisdiction;

(6) Operate or permit the operation of a non-alcoholic club in violation of any applicable Section of the Code of Ordinances of the City of Live, concerning noise;

(7) Operate or permit the operation of a non-alcoholic club when the licensee or a manager, as listed on the application, is not physically present within the licensed premises;

(8) Allow or permit any employee, customer, or patron to engage in a public display of indecency in violation of the Florida Criminal Code or allow or permit any employee, customer, or patron to engage in acts of prostitution or negotiations for acts of prostitution within the licensed premises or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises;

(9) Allow or permit any disorderly conduct or other criminal activity within the licensed premises or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises;

(10) Admit or allow to be admitted into any non-alcoholic club, any person who is visibly intoxicated or visibly under the influence of drugs or controlled substances as defined in Florida Statutes 893.03, as amended; or

(11) Fail to immediately report to the City of Live Oak Police Department any disorderly conduct, any other criminal activity, or violations of this Article occurring within the licensed premises or upon any parking areas,

sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises.

Sec. 18-208. Right of entry.

(a) The application for a non-alcoholic club license shall constitute consent of the licensee and his agents or employees to permit the City of Live Oak Police Department or any other agent of the City or appropriate fire district to conduct routine inspections, from time to time of the licensed non-alcoholic club during the hours such club is conducting business.

(b) It shall be unlawful to hinder, prevent or refuse to permit any lawful inspection or investigation authorized under the terms of this Article.

Sec. 18-209. Exemptions.

(a) The following establishments or facilities are exempt from the terms of this Article:

(1) Publicly-owned facilities, including the City of Live Oak or Suwannee County recreation centers and community centers, public libraries, and public schools;

(2) Any liquor licensed premises;

(3) Events organized and operated by a charitable, civic, political, patriotic, religious, educational, recreational, fraternal, or cultural organization which is tax exempt pursuant to Section 501 (c) of the Internal Revenue Code of 1986, as amended; or

(4) Dances, proms, and other social gatherings intended for students, organized and operated by a public or private elementary, middle, high school, college, or university.

Sec 18-210. Transferability; Change in ownership; Change of corporate structure.

(a) Licenses issued under this Article shall not be transferable except as provided herein. Any change in the partners of a partnership or in officers or directors of a corporate licensee or manager of a limited liability company holding a non-alcoholic club license shall result in termination of the license of the partnership or corporation, unless such licensee, within thirty (30) days of any such change, files a written notice of such change accompanied by the application and investigation fees as required by this Article. Any such change shall be reported on forms provided by the City Clerk and shall require the names of all new partners of a partnership, officers, and directors of a corporation, and the managers of a limited liability company and any information as required by this Article. The City Clerk shall administratively approve or deny such transfer upon

the same terms as provided for in this Article for the approval or denial of a non-alcoholic club license.

(b) When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license.

(c) Each license issued under this Article is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific business or business entity and each geographical location.

Sec 18-211. Manager; Change of manager.

(a) A registered manager shall be on the premises of a non-alcoholic club at all times that the business is open to the public. It shall be unlawful for any person to work as a manager in a non-alcoholic club without first registering with the City Clerk. A non-alcoholic club may have more than one registered manager.

(b) In the event a licensee changes the manager of a non-alcoholic club, the licensee shall immediately report such change and shall register the new manager on forms provided by the City Clerk within thirty (30) days of such change.

(c) The licensee shall pay a nonrefundable investigation fee in the amount of one-hundred (\$100.00) for each new manager.

(d) Failure of a licensee to report such a change or failure of the manager to meet the standards and qualifications as required in this Article shall be grounds for revocation of the license.

Sec 18-212. Nonconforming Use.

(a) Any establishments that exist within the City on the adoption date of this Ordinance, which do not meet the required 1,000 foot distance separation requirement to a church, school or residence, and which meet the definition of "non-alcoholic club" as provided herein, are lawful uses that were not regulated prior to the adoption of this Article and may continue to exist at their current location and operate as legal nonconforming uses after the adoption date of said Ordinance, only if they otherwise comply with all other provisions and requirements of this Article, and until such a time that a transfer, change of ownership or change of corporate structure occurs.

(b) Any establishment that constitutes a nonconforming use pursuant to this Article may be continued if:

- (1) The owner thereof submits a complete application for a non-alcoholic club license within thirty (30) days of the effective date of this Article; and
 - (2) The establishment is issued a Non-Alcoholic Club License, pursuant to this Article, within ninety (90) days of the effective date of said ordinance; and
 - (3) The establishment otherwise immediately complies, upon notification by the City, with all other requirements and provisions of this Article which are effective at the time of adoption of this Ordinance; and
- (c) Any establishment that constitutes a nonconforming use pursuant to this Article, which subsequently undergoes a transfer, change in ownership or change of corporate structure shall be required to conform will all requirements of this Article, including required distance separation from churches, schools and residences.

Sec 18-213. Enforcement.

- (a) Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.
- (b) Nothing herein contained shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- (c) All remedies and penalties provided for in this Article shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies to the full extent allowed by law.

Section 2. Severability. If any provision of the 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 force and effect.

Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

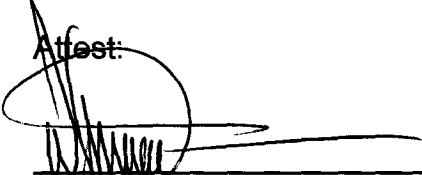
Section 4. Effective Date: This Ordinance shall become effective upon adoption.

PASSED UPON FIRST READING ON THE 15 th day of December 2008.


PASSED AND DULY ADOPTED UPON SECOND AND FINAL READING, in regular session with a quorum present and voting, by the City Council this 13 th day of January 2009.

CITY COUNCIL OF THE
CITY OF LIVE OAK, FLORIDA

Attest:

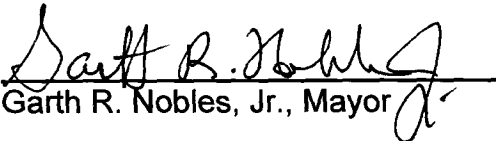


William J. McCullers, City Clerk



John Hale, President of the City Council

READ AND APPROVED by me this 13th day of January 2009.



Garth R. Nobles, Jr., Mayor