

ORDINANCE NO. _____
0-09-26

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to the serving of alcohol at non-profit events at the Thomas Center and Thelma Boltin Center by amending section 4-4, Consumption, sale and consumption, possession generally, to permit serving alcoholic beverages during fundraising events by non-profit agencies at the Thomas Center and Thelma Boltin Center; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 4-4, Gainesville Code of Ordinances, is amended to read as follows:

Sec. 4-4. Consumption, sale and consumption, possession generally

(a) *Parks, similar areas.* It shall be unlawful for any person to consume or to have in his/her possession any alcoholic beverages in a publicly owned park or recreation area, or on any public school property, or at any municipally owned and operated recreation centers or swimming pools, or at the stadium located near Waldo Road, commonly known as Citizens

Field. The foregoing prohibitions shall not apply in the following areas on the occasions stated as to any type of alcoholic beverage:

(1) The airport terminal facility when being dispensed by a person duly licensed under the ordinances of the city and the statutes of the state;

(2) The Thomas Center, the Thelma Bolton Center and Boulware Springs, upon approval of the city manager or designee for consumption, not sale, of alcoholic beverages ;

(3) The Thomas Center and the Thelma Bolton Center, upon approval of the city manager or designee, for consumption only of alcohol alcoholic beverages on the premises associated with a fundraising event sponsored by a governmental or not-for-profit entity that charges admission for entry to the event. The approval pursuant to this subsection is subject to the following conditions:

a. Sponsor obtains a facility use agreement from the city.

b. Sponsor must obtain a temporary liquor license and otherwise comply with Florida's alcoholic beverage law.

~~(34)~~ The municipal golf course facility when being dispensed by a person duly licensed under applicable ordinances and state statutes;

~~(45)~~ The Downtown Plaza, upon approval of the city manager or designee for consumption on the premises, or sale and consumption on the premises, of alcoholic beverages associated with a special event. Sale and consumption of alcoholic beverages shall be limited to beer and wine, and permitted by the city manager or designee only under the following conditions:

1 a. The special event shall be produced by the city. The city manager or
2 designee shall select an organization qualified under section 501(c)(3) of the
3 Internal Revenue Code and registered pursuant to F.S. Ch. 496 to sell
4 alcoholic beverages at a designated location or locations on the Plaza.
5 Selection of the nonprofit organization and sales of beer and wine shall be
6 pursuant to policy developed by the city manager.

7 b. The nonprofit organization and persons responsible for the sale or
8 dispensing of the alcoholic beverages shall comply with all local, state and
9 federal laws related to the sale, dispensing and consumption of alcoholic
10 beverages, including, but not limited to, procuring a license to sell alcoholic
11 beverages from the state.

12 c. All sales of alcohol shall take place during the event as specified by
13 the city manager or designee, and only between the hours of 9:00 a.m. and
14 11:00 p.m. on Friday and Saturday, 1:00 p.m. and 10:00 p.m. on Sunday, 9:00
15 a.m. New Year's Eve and 1:00 a.m. New Year's Day, and 9:00 a.m. and 10:00
16 p.m. on any other day.

17 d. The organization and persons responsible for the sale or dispensing of
18 the alcoholic beverages shall stop such sale or dispensing upon determination
19 of the city manager or designee that continued sale and consumption of
20 alcohol creates a clear and present danger of a riot or other general public
21 disorder, and substantial injury to persons or to property.

22 e. The organization shall indemnify the city, its elected and appointed
23 officers, employees, agents, and attorneys from any claim for personal injury,

1 including death, or property damage, including destruction, associated with
2 the special event. This indemnification shall be in the form of an insurance
3 policy that names the city as an additional insured and is endorsed to provide a
4 separate aggregate of \$1,000,000.00 for the event for which the person or
5 organization is making application.

6 f. The organization shall present an accounting of the revenues and cost
7 of sales of alcohol to the city manager or designee within ten days after the
8 event. The city shall charge the organization for the cost of the event in excess
9 of the cost the city would have incurred if no alcohol was sold (for example,
10 the cost of extra police or signs).

11 **Section 2.** It is the intention of the City Commission that the provisions of
12 Section 1 shall become and be made a part of the Code of Ordinances of the City of
13 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be
14 renumbered or relettered in order to accomplish such intentions.

15 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this
16 ordinance or the application hereof to any person or circumstance is held invalid or
17 unconstitutional, such finding shall not affect the other provisions or applications of the
18 ordinance which can be given effect without the invalid or unconstitutional provisions or
19 application, and to this end the provisions of this ordinance are declared severable.

20 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the
21 extent of such conflict hereby repealed.

22 **Section 5.** This ordinance shall take effect immediately upon adoption.
23

DRAFT

6-3-09

1 **PASSED AND ADOPTED** this ____ day of _____, 2009.

2

3

4

PEGEEN HANRAHAN,
MAYOR

5

6

7 ATTEST:

Approved as to form and legality

8

9

10 _____
KURT M. LANNON
11 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

12

13 This Ordinance passed on first reading this ____ day of _____, 2009.

14 This Ordinance passed on second reading this ____ day of _____, 2009.