

Legislative #

160381

ORDINANCE NO. 160381

An Ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to alcohol event permits; by amending Section 4-4 to increase the maximum number of hours for an alcohol event on public right-of-way within the downtown district; providing directions to the codifier; and providing an effective date.

WHEREAS, at least 10 days' notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Commission meeting room, first floor, City Hall in the 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(c)(2)(f)(4) of the Code of Ordinances is amended as stated below; except as amended herein, the remainder of Section 4-4 remains in full force and effect.

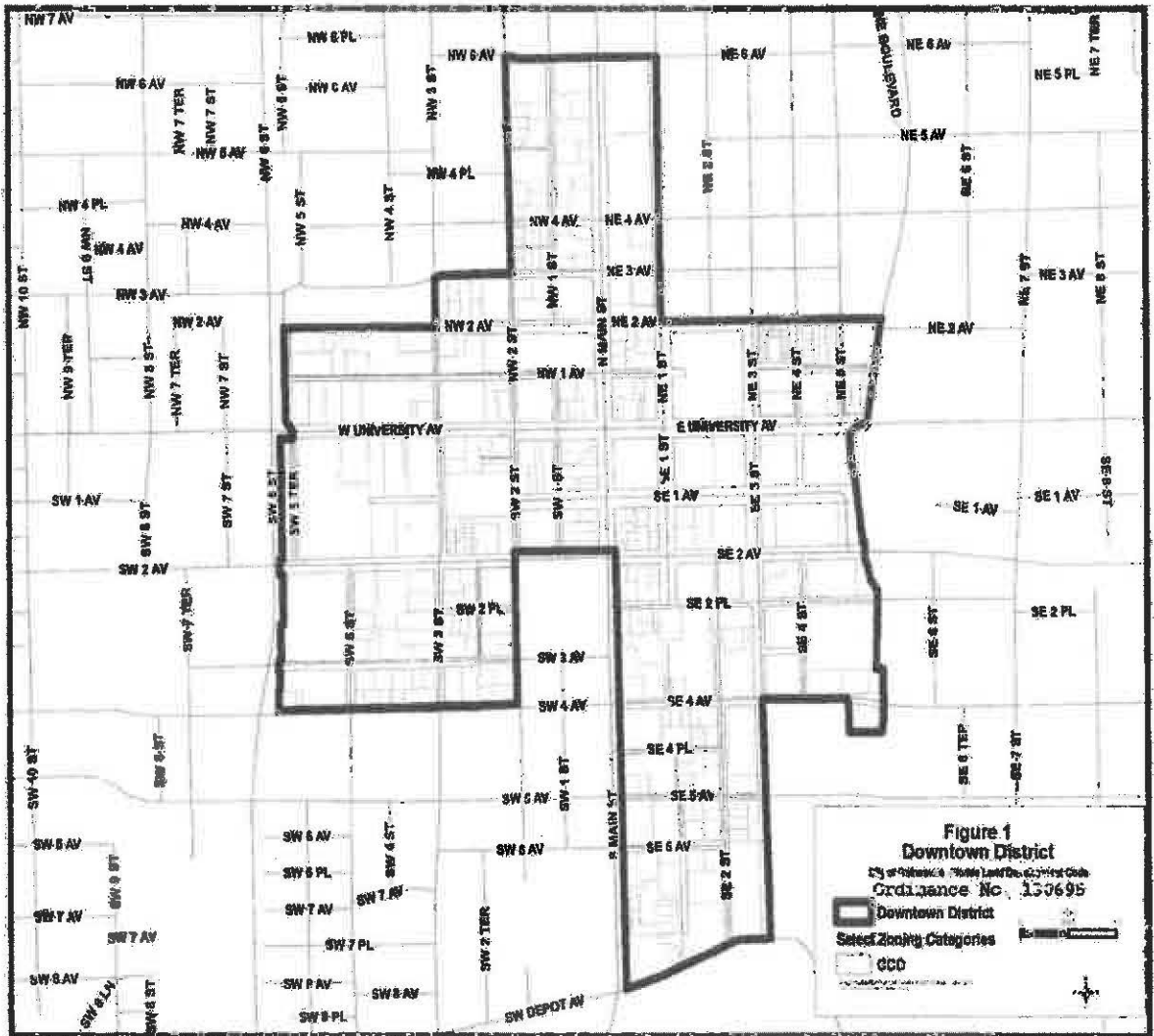
Chapter 4 – ALCOHOLIC BEVERAGES

ARTICLE I – IN GENERAL

Sec. 4-4 – Sale, dispensing, consumption and possession generally.

(c) *Public right-of-way.* It shall be unlawful for any person to sell, distribute, consume or possess any alcoholic beverage in any open container on any city or other public right-of-way, including without limitation, streets, thoroughfares, highways or sidewalks, except as follows:

- 1 (1) Within a sidewalk café that is licensed in accordance with the city's Land
- 2 Development Code.
- 3 (2) At an outdoor event, within the downtown district as shown in Figure 1, pursuant to
- 4 an alcohol event permit.



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6 **Figure 1. Downtown District**

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1 The city manager, or designee, is authorized to issue an alcohol event permit for the
2 sale of beer and wine associated with an outdoor event organized, produced and
3 managed by a governmental or other public entity or a not-for-profit entity, subject to
4 the following:

5 a. An alcohol event permit application must be submitted by the event organizer,
6 on the form provided by the city, along with payment of the fee set forth in
7 Appendix A of this Code.

8 b. The alcohol event permit application shall include a site plan sketch showing
9 the location, access, barriers delineating the event site from other public areas
10 and all other pertinent details of the site; a report detailing the dates and times
11 during which the event will be conducted, the estimated number of people
12 expected to attend, the capacity of any proposed temporary structures, the
13 capacity of the event site, whether there will be outdoor entertainment, a plan
14 for the installation of temporary sanitary facilities, a plan for the storage and
15 pickup of solid waste during and after the event; and a public safety plan
16 detailing how the applicant will maintain crowd control and public safety, and
17 comply with the city's noise ordinance.

18 c. The alcohol event permit application shall be reviewed by the appropriate
19 departments of the city to ensure protection of the public health, safety and
20 general welfare. In addition to normal concerns of each such department,
21 particular attention will be given to traffic flow and control, auto and
22 pedestrian safety, noise and the effect that the use and activity will have on
23 surrounding uses, particularly where the adjoining or nearby use is residential.

- 1 d. The alcohol event permit may be approved or denied by the city manager or
2 designee based on compliance with this subsection. The city manager or designee
3 may impose additional special conditions as deemed necessary to protect the
4 public health, safety and general welfare.
- 5 e. Only two alcohol event permits may be issued per calendar year per applicant.
6 However, one alcohol event permit may include all of the University of Florida
7 home football games for the school year.
- 8 f. Each alcohol event permit issued shall be subject to the following conditions,
9 requirements and limitations, as well as any other special conditions stated in
10 the permit.
- 11 1. A sufficient number of off-duty law enforcement officers and EMS
12 personnel, as determined by the city, shall be employed by the permittee to
13 provide security, crowd control and emergency medical services for the
14 event.
- 15 2. The permittee shall indemnify the city, its elected and appointed officers,
16 employees, and agents from any claim for personal injury, including death,
17 or property damage, including destruction, associated with the event. This
18 indemnification shall be in the form of an insurance policy acceptable to
19 the city's risk manager, that names the city as an additional insured and is
20 endorsed to provide a separate aggregate of a minimum of \$1,000,000.00
21 for the event. In addition, the permittee shall procure a liquor liability
22 policy with not less than \$1,000,000.00 of coverage that also names the
23 city as an additional insured.

- 1 3. The event may only be held on such streets, sidewalks and rights-of-way as
2 the city deems appropriate for temporary closure in its sole discretion.
- 3 4. The event may be open to the public only during such hours as the city
4 deems appropriate in its sole discretion. Each event shall be limited to a
5 maximum of 48 72 consecutive hours, inclusive of time for set-up and
6 clean-up.
- 7 5. The sale, dispensing and consumption of beer and wine shall occur only
8 within an area secured by fencing or barricades that are a minimum of four
9 feet in height and with limited points of entry and exit. The permittee shall
10 not allow alcoholic beverages purchased outside of the event to be brought
11 into or consumed inside the permitted event area. Nor shall the event
12 organizer allow beer or wine sold inside the secured area to be taken out
13 of, or consumed outside of, the secured area.

14 **Section 2.** It is the intention of the City Commission that the provisions of Section 1
15 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of
16 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be re-
17 numbered or re-lettered in order to accomplish such intentions.

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

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

3 **Section 5.** This ordinance shall become effective immediately upon final adoption.

4 PASSED AND ADOPTED this ____ day of _____, 2016.

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LAUREN POE
Mayor

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ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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This Ordinance passed on first reading this ____ day of _____, 2016.

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This Ordinance passed on second reading this ____ day of _____, 2016.

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