1 2	ORDINANCE NO. <u>040669</u> 0-05-06			
2				
4		An ordinance of the City of Gainesville, Florida, amending		
5	subsection 4-4(b)(1) of the City of Gainesville Code of Ordinances,			
6		relating to the consumption, sale or possession of alcoholic		
7		beverages; providing directions to the codifier; providing a		
8	severability clause; providing a repealing clause; and providing an			
9		immediate effective date.		
10				
11 12	WHEREAS, at least 10 days notice has been given once by publication in a newspaper of			
13	general circulation notifying the public of this proposed ordinance and of a Public Hearing to be held			
14	in the City Commission Auditorium, City Hall, City of Gainesville; and			
15	WHEREAS, the Public Hearings were held pursuant to the published notice described at			
16	which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.			
17	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE			
18	CITY OF GAINESVILLE, FLORIDA:			
19	Section 1. Paragraph (1) of subsection (b) of section 4-4, City of Gainesville Code of			
20	Ordinances, is hereby amended to read as follows:			
21	Sec. 4-4 Consumption, sale and consumption, possession generally.			
22	(b)	Other areas generally:		
23		(1) It shall be unlawful for any person to consume or have in his/her possession any		
24	alcoholic beverages in any open container on any public street, thoroughfare, sidewalk			
25	(except in a licensed sidewalk cafe, or within the defined area of a properly issued			
26	boundary extension permit issued by the city manager/designee and operated in strict			
27	accordance with the regulations established therefor), or on any public or semi-public			
28	parking facility in the city (except in a properly licensed facility located in the retail space			
29	of the City parking garage located at 105 SW 3 <sup>rd</sup> Street, Gainesville, Florida, provided the			
30	alcoholic beverage is dispensed by a person duly licensed under the ordinances of the city			
31 32	and the laws of the state). It shall be unlawful for any person to have in his/her possession any alcoholic beverages in any open container while in or on any motor vehicle on any			
33	public or semi-public parking facility in the city. The term "semi-public parking facility"			
34	shall include any privately owned area wherein motor vehicles may be parked by the			
35	public in conjunction with any business, enterprise, commercial establishment, office			
36	building or multiple-family residential building. Pursuant to a special event permit			

i	approved by the city manager, the dispensing and consumption of beer, as defined in F.S		
2	§ 563.01, and/or wine, as defined in F.S. § 564.01, will be permitted in semi-public		
3	parking facilities under the following conditions:		
4			
2 3 4 5 6	<ul> <li>a. The special event permitted shall be jointly sponsored by the city, with the</li> </ul>		
6	requirement that a sufficient number of off-duty law enforcement officers, as shall		
7	be determined by the city, be employed by the noncity sponsoring agency to		
8	provide security and crowd control for the special event.		
9			
10	<ul> <li>The special event shall occur on semi-public parking facilities of an</li> </ul>		
11	establishment which is not licensed for the sale and/or consumption of alcoholic		
12	beverages either by state statute or city ordinance.		
13			
14	c. The special event permit shall have a duration of no longer than two days		
15	(48 hours); however, the number and hours during which the dispensing of the		
16	alcoholic beverage(s) may occur each day shall be determined by the city		
17	manager.		
18			
19	d. The persons responsible for dispensing the alcoholic beverages permitted		
20	shall comply with all local, state and federal laws related to the dispensing and		
21	consumption of the permitted alcoholic beverages.		
22			
23	e. No more than one permit for any 12-month period will be issued to any		
24	corporation, company, association, organization or group of any type.		
25			
26	Section 2. It is the intention of the City Commission that the provisions of Section 1 of this		
27	ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,		
28	Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in		
29	order to accomplish such intentions.		
30	Section 3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or		
31	unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the		
32	validity of the remaining portions of this Ordinance.		
33	Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of		
34	such conflict hereby repealed.		
35	Section 5 This Ordinance shall become effective immediately upon final adoption.		
36			

1	PASSED AND ADOPTED this 10 <sup>th</sup> day of January, 2005.		
2			
.5		D. 11 00	
4		Keyer Hamalar PEGEEN HANRAHAN, MAYOR	
5		PEGEEN HANRAHAN, MAYOR	
6			
7			
8	ATTEST:	Approved as to form and legality	
9	1111		
9 10	//////////////////////////////////////	a. O.C.	
11	WIIII	ecces 2	
12	KURT M. LANNON	MARION F. RADSON	
13	CLERK OF THE COMMISSION	CITY ATTORNEY JAN 1 2 200	
14			
15	This Ordinance passed on first reading this 13th day of December, 2004.		
16	This Ordinance passed on second reading this 10 <sup>th</sup> day of January, 2005.		
	This Ordinance passed on second reading in	ns to day of sandary, 2003.	
17			

-3-