

**ORDINANCE NO. \_\_\_\_\_**  
**00-10-01**

**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances of the City of Gainesville, Florida, related to the sale, possession, and consumption of alcoholic beverages at the Downtown Community Plaza; by amending section 4-4 (a), to allow the sale, possession, and consumption of beer and wine on the Bethel Station leased premises; 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 above, 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 (a), Code of Ordinances of the City of Gainesville, Florida, is amended to read as follows:

**Section 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

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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.
- (4) The municipal golf course facility when being dispensed by a person duly licensed under applicable ordinances and state statutes;
- (5) 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:

- a. The special event shall be produced by the city. The city manager or designee shall select an organization qualified under section 501(c)(3) of the Internal Revenue Code and registered pursuant to F.S. Ch. 496 to sell alcoholic beverages at a designated location or locations on the Plaza. Selection of the nonprofit organization and sales of beer and wine shall be pursuant to policy developed by the city manager.
- b. The nonprofit organization and persons responsible for the sale or dispensing of the alcoholic beverages shall comply with all local, state and federal laws related to the sale, dispensing and consumption of alcoholic beverages, including, but not limited to, procuring a license to sell alcoholic beverages from the state.
- c. All sales of alcohol shall take place during the event as specified by the city manager or designee, and only between the hours of 9:00 a.m. and 11:00 p.m. on Friday and Saturday, 1:00 p.m. and 10:00 p.m. on Sunday, 9:00 a.m. New Year's Eve and 1:00 a.m. New Year's Day, and 9:00 a.m. and 10:00 p.m. on any other day.
- d. The organization and persons responsible for the sale or dispensing of the alcoholic beverages shall stop such sale or dispensing upon determination of the city manager or designee that continued sale and consumption of alcohol creates a clear and present danger of a riot or other general public disorder, and substantial injury to persons or to property.
- e. The organization shall indemnify the city, its elected and appointed officers, employees, agents, and attorneys from any claim for personal

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

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

(6) The Bethel Station leased premises within the Downtown Plaza, upon written approval by the city manager or designee. Such approval shall be limited to the sale of beer and wine by the tenant of the Bethel Station leased premises solely for purchase, possession and consumption on the premises by the tenant's customers within the leased premises; conditioned upon the tenant being properly licensed by and in compliance with all applicable local, state and federal laws relating to the sale, dispensing and consumption of beer and wine; and subject to such further terms and conditions as may be required by the city in its sole discretion as owner of the Bethel Station leased premises.

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

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

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

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

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
PEGEEN HANRAHAN,  
MAYOR

ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

MJR/NS/rs

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