



MEMORANDUM

Office of the City Attorney

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Box 46

TO: Mayor and City Commission

DATE: December 13, 1999
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-20

An ordinance of the City of Gainesville, Florida, creating and adding section 11.5-1 to the Code of Ordinances requiring potable water be available without charge upon request at all buildings or structures with assembly occupancy; amending section 2-339 providing that section 11.5-1 may be enforced by civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

At its meeting of November 8, 1999, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance requiring free water in places of assembly and providing for the enforcement of such by civil citations. All owners/operators will have until February 1, 2000, to comply.

Prepared by:

Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:

Marion J. Radson,
City Attorney

MJR:PMC:sw

Ordinance No. 0-00-20

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WHEREAS, events at buildings and structures used for gathering together of persons (i.e., those classified as assembly occupancy under the building code) are often attended by large groups of people; and

WHEREAS, some of these buildings and structures do not have potable water available without charge to the patrons, guests, or invitees; and

WHEREAS, the city commission finds that lack of available potable water in places of public assembly can lead to dehydration, which can cause, heat exhaustion, heat stroke or death; and

WHEREAS, the city commission finds that lack of available potable water therefore is a hazard to the health and safety of persons attending events in buildings and structures used for assembly occupancy; and

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 in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing 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 11.5-1 of the Code of Ordinances is created and added to read as follows:

1 **Sec. 11.5-1. Availability of potable water.**

2 Potable water must be available without charge upon request of patron, guests and invitees at all
3 buildings, structures, or parts of buildings or structures that have an assembly (Group A) occupancy, as
4 that termed is defined in the Building Code, and that are not otherwise required by the building code to
5 have, or do not have, one or more drinking fountains. The water may come from a water cooler, sink,
6 or in individual bottles or cans. If water is not available from a drinking fountain, but is available from
7 a water cooler or sink, free unused disposable or clean cups must also be made available. If water is
8 not available from a drinking fountain, but is available in bottles or cans, the seal of the bottle or can
9 must not be broken at the time it is given to the patron, guest or invitee.

10 **Section 2.** The list of ordinances enforceable by civil citation set out in section 2-339 of the Code of
11 Ordinances is amended to include the following. The rest of the list remains unchanged.

12 **DIVISION 6. CIVIL CITATIONS**

13 **Sec. 2-339. Applicable codes and ordinances.**

14 The following ordinances are enforceable by the procedures described in this division:

<i>Section</i>	<i>Description</i>	<i>Class</i>	<i>Penalty</i>
<u>11.5-1</u>	<u>Availability of potable</u> <u>water</u>	I	<u>\$50.00</u>

15
16 **Section 3.** The city manager is directed to notify the owners or operators of all existing buildings or
17 structures that are subject to the requirements of this ordinance of their responsibilities under the
18 ordinance.

19 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1 through 2 of this
Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,

1 Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in
2 order to accomplish such intentions.

3 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
4 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
5 validity of the remaining portions of this ordinance.

6 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict
7 hereby repealed.

8 **Section 7.** This ordinance shall be effective at 12:01A.M. on Tuesday, February 1, 2000..

9
10 **PASSED AND ADOPTED** this _____ day of _____, 2000.

11
12
13 _____
14 PAULA M. DeLANEY, MAYOR

15 ATTEST:

Approved as to form and legality

16
17 _____
18 KURT M. LANNON
19 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

20 This Ordinance passed on first reading this _____ day of _____, 1999.

21 This Ordinance passed on second reading this _____ day of _____, 2000.

22
23 carter:ordinances:0-00-20 - potable water