



## GAINESVILLE POLICE DEPARTMENT

# Open Service Permit City Ordinance: Chapter 4 Alcoholic Beverages

Lieutenant Michael Schibuola  
November 10, 2016

# Current Ordinance

- Bars can operate with the mixture of both under age (18-20) and those that are of age to consume alcohol (21 and over)
- Alcohol cannot be consumed in any establishment after 2 a.m. and all establishments considered to be a bar must close at 2 a.m.
- Bars must have crowd managers at every entrance per Sec. 10-51. “Requirements for assembly occupancy owners and crowd managers. “

# Current Ordinance Cont.

- Establishments have been held responsible if found in violation of allowing those under 21 to consume alcohol on the premises.
- Suspensions were based on the number of quarterly violations of FSS 562.111 based on occupancy. Checks were done both randomly and through target specific details by GPD officers.
- Violations were often contested due to underage patrons using a fake or other persons “over 21 YOA” IDs to gain entry to the bar.

## Suggested Changes to Ordinance Moving Forward

- Create an “Open Service” permit under Chapter 4 Article III of the City Ordinance.
- Alcoholic Beverage Establishments that want to allow persons 18 to 20 in their businesses from 9:00 PM to 2:00AM shall be required to obtain the permit.
- Permit requirements: Staff training (annually), approved ID scanners and/or sworn law enforcement for exterior security.

# Suggested Changes to Ordinance Moving Forward

- Violations of permit will be based on specific targeted details utilizing a control group of persons under 21 YOA.
  - 1<sup>st</sup> Violation - written warning issued to the business.
  - 2<sup>nd</sup> Violation, business shall be required to re-train staff and hire sworn law enforcement for exterior security for a 4 month period.
  - 3<sup>rd</sup> Violation business shall have permit suspended for a set time period (90 days).

# Suggested Changes to Ordinance Moving Forward

- Violations of the Open Service while under suspension/revocation or allowing patrons under 21 years of age on the premises without a permit. Shall be considered a Class II violation, currently set as Class IV:
  - 1<sup>st</sup> Violation – Monetary fine of \$500.00.
  - 2<sup>nd</sup> Violation – Double Initial Fine at \$1000.00.
  - 3<sup>rd</sup> Violation – Mandatory court appearance.

# Education and Reduction of Criminalization for Alcohol Offenses

- Continue with educational programs such as the PBT (portable breath testing).
- Continue with Safety Kiosk details.
- Addition within ordinance allowing for the issuance of a civil citation/fine the first time an underage person is found in possession of alcohol in an “alcoholic establishment”. Set fine at \$125.00, equivalent to current urinating in public violation.

# What are We Trying to Accomplish

- Reduce violence and sexual assaults attributed to alcohol abuse.
- Ensure bar owners/staff are being responsible toward reducing underage alcohol violations.
- Reduce criminal sanctions for underage alcohol possession in bars.
- Reduce prevalent use of false and fake ID's.
- Reduce access to alcohol by persons under 21.
- Reduce impact on patrol officers regularly staffing the midtown and downtown locations, particularly at bar closing.





## RECOMMENDATION

On January 11, 2016 the Public Safety Committee voted to send this item back to the full City Commission with the recommendation to accept proposed changes.

# Dialogue

Questions/Comments?