

Legislative #

160080

ORDINANCE NO. 160080

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances related to the sale, dispensing, consumption and possession of alcoholic beverages in Depot Park; by amending Section 4-4; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, notice was given as required by law that the text of the City of Gainesville Code of Ordinances be amended; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the 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 of the Code of Ordinances of the City of Gainesville is amended to read as follows. Except as amended herein, the remainder of Section 4-4 remains in full force and effect.

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

(a) Generally. Except as specifically allowed by this section, it shall be unlawful for any person to sell, distribute, consume or possess any alcoholic beverage in any open container on any property owned by the city or on any public right-of-way, including without limitation, streets, thoroughfares, highways or sidewalks. Any person or legal entity that is allowed to sell or dispense alcoholic beverages pursuant to this section shall

1 comply with all applicable federal, state and local laws related to the sale or dispensing of
2 alcoholic beverages. The city manager is authorized to promulgate written administrative
3 procedures to implement this section and any alcohol event permits authorized herein.

4 (b) *City-owned property.* It shall be unlawful for any person to sell, dispense, possess or
5 consume any alcoholic beverages on any property owned by the city, except as follows:

6 (1) At the airport terminal facility and the municipal golf course facility when being sold
7 or dispensed by the facility owner or by a natural person or legal entity that is under
8 contract with the facility owner;

9 (2) Within the rental event space at the Thomas Center, the Thelma Bolton Center,
10 Boulware Springs, and the Senior Recreation Center ~~and the Depot Building,~~
11 dispensing, but not sale, for consumption during an event for which the space is
12 rented. A fundraising event sponsored by a governmental or other public entity or a
13 not-for-profit entity that charges admission for the event, but does not charge for the
14 purchase of the alcoholic beverages, is not considered the sale of alcoholic beverages.
15 The rental agreement may specify such terms and conditions as may be required by
16 the city in its sole discretion as owner of the property.

17 (3) During a special event produced by the city, pursuant to written policy of the city.

18 The city manager is authorized to promulgate a written policy to govern the process
19 and contract terms and conditions under which the city may select not-for-profit
20 entities to sell or dispense alcoholic beverages during a city produced special event.

21 (4) On other property that the city makes available for special events produced by private
22 parties, pursuant to written policy of the city. The city manager is authorized to
23 promulgate a written policy to govern the process and terms and conditions under

1 which the city may issue an alcohol event permit for the sale, dispensing,
2 consumption or possession of alcoholic beverages on particular parcels of city-owned
3 property. The city commission shall determine which particular parcels, if any, are
4 made available for such events.

5 (5) On property that is leased to a private party pursuant to the city's real estate policy, if
6 the sale, dispensing, possession and consumption of alcoholic beverages is expressly
7 allowed under the terms of the lease agreement. The lease may specify such terms
8 and conditions as may be required by the city in its sole discretion as owner of the
9 property.

10 **Section 2.** It is the intent of the City Commission that the provisions of Section 1 of this
11 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,
12 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
13 relettered in order to accomplish such intent.

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

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

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

22 **PASSED AND ADOPTED** this _____ day of _____, 2016.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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

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