

LEGISLATIVE

#110367A

ORDINANCE NO. 110367

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to the hours of sale, service and consumption of alcohol by amending section 4-2 and 4-5(a) to permit sale, service and/or consumption on Sunday commensurate with permissible hours on Monday through Saturday; 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 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. Subsections (a) and (b) of Section 4-2, Gainesville Code of Ordinances, is amended to read as follows:

Sec. 4-2. - Hours of sale.

(a) Alcoholic beverages by the package, other than packaged beer and unfortified wine. No beverage licensee, or employee or agent of such licensee, permitted under state law to sell alcoholic beverages by the package, bottle or original container shall sell, offer for sale, serve or deliver such a product (other than packaged beer and unfortified wine)

1 for consumption either on or off the premises during the following
2 hours (time is local time):

3 ~~(1) Any time Sunday, except if December 31 occurs on a Sunday,~~
4 ~~sales will be permitted between 6:00 p.m. that day and 2:00~~
5 ~~a.m. the following day.~~

6 (2) 11:00 p.m. to midnight Monday through Saturday.

7 (3) ~~Midnight to 7:00 a.m. Monday through Saturday, the following~~
8 ~~day, all days.~~

9 (b) *All other alcoholic beverages.* No beverage licensee, or employee or
10 agent of such licensee, shall sell, offer for sale, serve, or permit to be
11 sold or served or consumed, any alcoholic beverage not regulated
12 under subsection (a) in a place operating under the beverage license,
13 for consumption either on or off the premises, during the following
14 hours (time is local time):

15 (1) 2:00 a.m. to 7:00 a.m., all days.

16 (2) 7:00 a.m. to 1:00 p.m. on Sunday.

17 (3) ~~11:00 p.m. Sunday to 2:00 a.m. the following day, except if~~
18 ~~December 31 occurs on a Sunday, this restriction shall not~~
19 ~~apply on that day.~~

20 **Section 2.** Subsection (a) of Section 4-5, Gainesville Code of
21 Ordinances, is amended to read as follows:

22 **Sec. 4-5. - Consumption on certain premises prohibited during certain hours.**

1 (a) It is unlawful for any person to consume or to permit the consumption of any
2 alcoholic beverages in bottle clubs or on premises open to the public, catering to the
3 sale and/or consumption of alcoholic beverages between the hours of 2:00 a.m. and
4 7:00 a.m., all days, ~~immediately following on Tuesday, Wednesday, Thursday,~~
5 ~~Friday, or Saturday, or between the hours of 2:00 a.m. and 1:00 p.m. on Sunday, or~~
6 ~~between the hours of 11:00 p.m. on Sunday and 7:00 a.m. immediately following on~~
7 ~~Monday.~~ All time is Eastern standard time or Eastern daylight saving time, whichever
8 is in effect.

9 **Section 3.** It is the intention of the City Commission that the provisions of
10 Sections 1 and 2 shall become and be made a part of the Code of Ordinances of the City of
11 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be
12 renumbered or relettered in order to accomplish such intentions.

13 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this
14 ordinance or the application hereof to any person or circumstance is held invalid or
15 unconstitutional, such finding shall not affect the other provisions or applications of the
16 ordinance which can be given effect without the invalid or unconstitutional provisions or
17 application, and to this end the provisions of this ordinance are declared severable.

18 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the
19 extent of such conflict hereby repealed.

20 **Section 6.** This ordinance shall take effect immediately upon adoption.

21
22

1

2 PASSED AND ADOPTED this ____ day of _____, 2011.

3

4

5

6

7

CRAIG LOWE,
MAYOR

8

ATTEST:

Approved as to form and legality

9

10

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

11

12

13

14 This Ordinance passed on first reading this ____ day of _____, 2011.

15 This Ordinance passed on second reading this ____ day of _____, 2011.