

**LEGISLATIVE #**

**120767**

ORDINANCE NO: 120767

An Ordinance of the City of Gainesville, Florida, amending Chapter 4 of the City of Gainesville Code of Ordinances, relating to alcoholic beverages; by creating and adding a new subsection (6) to Sec. 4-4.(b) to provide an exception for the temporary outdoor sale, dispensing and consumption of beer and wine at the Santa Fe College Spring Arts Festival; establishing a permit process and setting forth conditions and requirements for the permit; 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 of the public hearing 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 meeting room, first floor, City Hall in the 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.** Section 4-4(6), titled "Unlawful consumption and possession; authorized special events", of the Code of Ordinances of the City of Gainesville, is amended to add a new subsection (6) as set forth herein. Except as amended herein, the remainder of Sec. 4-4.(b) remains in full force and effect.

**Sec. 4-4 (b). - Unlawful consumption and possession; authorized special events.**

(6) Exception: Santa Fe College Spring Arts Festival.

a. The City Manager, or designee, is authorized to issue a special permit for the temporary sale of beer (as defined in Section 563.01,

1 Florida Statutes) and wine (as defined in Section 564.01, Florida  
2 Statutes) on a public street, sidewalk, right-of-way or thoroughfare,  
3 incidentally associated with the Santa Fe College Spring Arts  
4 Festival subject to the provisions of this subsection.

5 b. A permit application must be submitted by Santa Fe College to the  
6 City Manager or designee, on the form provided by the City, along  
7 with payment of the fee as set forth in Appendix A of this Code at  
8 least 30 days prior to the first date of the event.

9 1. The special event permit application shall include a site  
10 plan sketch showing the location, access, barriers  
11 delineating the event site from other public areas and all  
12 other pertinent details of the site.

13 2. The special event permit application shall include a report  
14 detailing the dates and times during which the event will be  
15 conducted, the estimated number of people expected to  
16 attend, the capacity of any proposed temporary structures,  
17 whether there will be outdoor entertainment, the installation  
18 of temporary sanitary facilities, a plan for the storage and  
19 pickup of garbage during and after the Santa Fe College  
20 Spring Arts Festival event, and a public safety plan  
21 detailing how the applicant will maintain crowd control and  
22 public safety, and comply with the City's noise ordinance.

23 3. The special event permit application shall be reviewed by  
24 the appropriate departments of the City with respect to

1 protection of the public health, safety and general welfare.

2 In addition to normal concerns of each such department,

3 particular attention will be given to traffic flow and control,

4 auto and pedestrian safety, and the impact that the use and

5 activity will have on surrounding uses, particularly where

6 the adjoining uses include residential.

7 4. The permit may be approved or denied by the City

8 Manager or designee based on compliance with this

9 subsection. The City Manager or designee may impose

10 additional special conditions as deemed necessary to

11 protect the public health, safety and general welfare.

12 5. Only one special event permit may be issued per calendar

13 year.

14 c. Each permit issued shall be subject to the following conditions,

15 requirements and limitations, as well as any other special

16 conditions stated in the permit.

17 1. The Santa Fe College Springs Art Festival event must be

18 sponsored by Santa Fe College and co-sponsored by the

19 City.

20 2. The event shall include activities suitable for a broad range

21 of ages.

22 3. A sufficient number of off-duty law enforcement officers,

23 as determined by the City, shall be employed by Santa Fe

1 College to provide security and crowd control for the Santa  
2 Fe College Springs Art Festival event.

3 4. Santa Fe College and any person authorized by Santa Fe  
4 College as responsible for the sale or dispensing of beer  
5 and/or wine shall stop such sale or dispensing at any time  
6 upon determination of the City Manager or designee that  
7 continued sale and consumption of beer and/or wine creates  
8 a clear and present danger of a riot or other general public  
9 disorder, and/or substantial injury to persons or to property.

10 5. Santa Fe College shall indemnify the City, its elected and  
11 appointed officers, employees, and agents from any claim  
12 for personal injury, including death, or property damage,  
13 including destruction, associated with the Santa Fe College  
14 Spring Arts Festival event. This indemnification shall be in  
15 the form of an insurance policy acceptable to the City's  
16 Risk Manager, that names the City as an additional insured  
17 and is endorsed to provide a separate aggregate of a  
18 minimum of \$1,000,000.00 for the event. In addition, Santa  
19 Fe College shall procure a liquor liability policy with not  
20 less than \$1,000,000.00 of coverage that also names the  
21 City as an additional insured.

22 6. The Santa Fe College Springs Arts Festival event shall be  
23 held on NE 1st Street between University Avenue and NE  
24 8<sup>th</sup> Avenue.

- 1                    7. The Santa Fe College Spring Arts Festival event shall not  
2                    begin before 9:00 a.m. on each day and shall end no later  
3                    than 8:30 p.m. each night of the festival weekend.
- 4                    8. Santa Fe College or any person authorized by Santa Fe  
5                    College as responsible for the sale or dispensing of beer  
6                    and/or wine shall comply with all local, state and federal  
7                    laws related to the sale, dispensing and consumption of  
8                    beer and/or wine.
- 9                    9. Santa Fe College shall not allow alcoholic beverages,  
10                   including beer or wine, purchased outside of the Santa Fe  
11                   College Spring Arts Festival event to be brought into or  
12                   consumed inside the permitted event area. Nor shall Santa  
13                   Fe College allow beer or wine sold inside the permitted  
14                   event area to be taken out of, or consumed outside of the  
15                   permitted event area.

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

20                **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
21 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
22 finding shall not affect the other provisions or applications of the ordinance which can be given  
23 effect without the invalid or unconstitutional provisions or application, and to this end the  
24 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 February, 2013.

CRAIG LOWE  
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON  
CLERK OF THE COMMISSION

NICOLLE SHALLEY  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_\_ day of February, 2013.

This Ordinance passed on second reading this \_\_\_\_\_ day of February, 2013.