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1 possess and consume alcoholic beverages in large, non-socially distant groups in indoor
2 locations (such as house or fraternity/sorority parties); and

3 **WHEREAS**, to address this concern, City Management and the City Commission
4 desire to provide opportunity for all persons to possess and consume alcoholic beverages
5 outdoors on City-owned or operated property (including parks) and public right-of-way
6 throughout the City by temporarily suspending the enforcement (as to personal possession
7 and consumption) of Sec. 4-4 and Sec. 18-20(16) of the City Code of Ordinances; and

8 **WHEREAS**, this ordinance is intended to be of limited duration during the declared
9 emergency for the COVID-19 Pandemic; and

10 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
11 **CITY OF GAINESVILLE, FLORIDA:**

12 **Section 1.** The City Manager is directed to cease enforcement of the provisions of Sec.
13 4-4 and Sec. 18-20(16) of the City Code of Ordinances that prohibit the personal possession and
14 consumption of alcoholic beverages in open containers on City-owned or operated property
15 (including parks) and public right-of-way during the pendency of the COVID-19 Pandemic
16 Emergency Orders issued by the State of Florida and/or Alachua County This ordinance does
17 not suspend or otherwise affect the enforcement of Sec. 4-4 or Sec. 18-20(16) as relates to the
18 sale or distribution of alcoholic beverages on any City-owned or operated property or public
19 right-of-way.

20 **Section 2.** In the event that cessation of enforcement as directed by this ordinance
21 creates an immediate public health, safety or welfare concern, the City Commission may repeal
22 this ordinance by adoption of an emergency ordinance by two-thirds vote of the entire City
23 Commission in accordance with Section 166.041(3)(b), Florida Statutes.

24 **Section 3.** Given the temporary duration of this ordinance, it is the intent of the

City Commission that this ordinance will not be codified.

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

Section 5. In the event of conflict or conflicts between this ordinance and any other ordinance or provision of law, this ordinance controls to the extent of the conflict, as allowable under the law.

Section 6. This ordinance will become effective immediately and will stay in effect (1) until the expiration or termination of the COVID-19 Pandemic Emergency Orders issued by State of Florida and/or Alachua County, or (2) until adoption of an emergency ordinance per Section 2 that repeals this ordinance, or (3) until adoption of a regular, noticed City ordinance that repeals this ordinance; whichever first occurs.

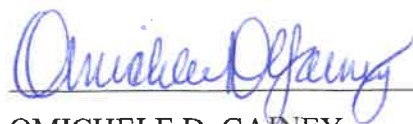
PASSED AND ADOPTED this 10th day of September, 2020.



LAUREN POE, MAYOR

Attest:

Approved as to form and legality:



OMICHELE D. GAINES,
CLERK OF COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this 3rd day of September, 2020.

This ordinance passed on second reading this 10th day of September, 2020.