



Legislation Text

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AMENDMENT TO OPEN CONTAINER ORDINANCE (B)

ORDINANCE NO.: 0-05-93

An ordinance of the City of Gainesville, Florida, amending Article I, Section 4-1(b) of the Code of Ordinances to be consistent with the provisions of F.S. §564.09 and F.S. §316.1936(9); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

On September 12, 2005, the City Commission voted to authorize the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance to be consistent with the provisions of F.S. §564.09 and F.S. §316.1936(9).

F.S. §564.09, effective July 1, 2005, permits a restaurant patron to remove a partially consumed bottle of wine from the premises, if the bottle is re-sealed and placed in a bag or other container. F.S. §316.1936(9), also effective July 1, 2005, provides that a bottle of wine re-sealed in this manner and properly secured for transportation in a motor vehicle is not classified as an open container of alcohol. The City of Gainesville's open container ordinance conflicts with intent of the new statute in that it currently contains no exception for wine purchased at a restaurant and re-sealed. While the statute applies to possession of the wine in a vehicle on the streets and highways, carrying the wine to the vehicle, or directly to the purchaser's residence, would violate the city's ordinance. Amending the ordinance to include such an exemption will eliminate these conflicts and bring the ordinance into compliance with state law.