



Bar Hour and Open Container Policy

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OBJECTIVE

To analyze the open container and bar hour policies of similar municipalities around the country.

EXECUTIVE SUMMARY

Open containers are defined as any vessel containing an alcoholic beverage that is not the original, sealed and unbroken container of the beverage. Open container policy prohibits or regulates the possession and consumption of open containers in public areas. Prior to the COVID-19 pandemic, the City of Gainesville prohibited the possession and consumption of open containers within the city through an open container ordinance. After temporarily lifting enforcement of the ordinance during the COVID-19 pandemic in order to increase engagement with local businesses and allow neighbors to safely gather outdoors, in August of 2021 the Gainesville City Commission adopted an amended open container ordinance, allowing neighbors to possess and consume open containers of alcohol within the City between the hours of 7:00 a.m. and 2:30 a.m. each day. Since this adoption, there have been subsequent conversations regarding amending the hours open containers are allowed, implementing specific entertainment districts where open containers are allowed, and re-instating a full ban on open containers. Additionally, the City of Gainesville prohibits the sale of alcoholic beverages by the package, other than packaged beer and unfortified wine, between the hours of 11:00 p.m. and 7:00 a.m. each day. Remaining alcohol may not be sold between 2:00 a.m. and 7:00 a.m. each day.¹

In all cities surveyed for this report – including Athens, GA; Chapel Hill, NC; Tallahassee, FL; Knoxville, TN; Bloomington, IN; Columbia, MO; Berkeley, CA; and Syracuse, NY – possessing and consuming open containers is unlawful. In Athens, alcohol by the drink may be sold Monday through Friday from 7:00 a.m. to 2:00 a.m. and from 7:00 a.m. Saturday until 1:55 a.m. Sunday morning. In Tallahassee, no alcohol may be sold each day from 2:00 a.m. to 6:00 a.m. The State of North Carolina prohibits alcohol sale between 2:00 a.m. and 7:00 a.m. each day. In Knoxville, alcoholic beverages that are not sold by a licensed business on the premises of an establishment may not be consumed between 1:00 a.m. and 6:00 a.m. The State of Indiana prohibits alcohol sale between 3:00 a.m. and 7:00 a.m. each day. Columbia prohibits the sale of alcohol between 1:30 a.m. and 6:00 a.m. each day. In the State of California, no alcoholic beverage may be sold between 2:00 a.m. and 6:00 a.m. each day. Onondaga County in New York disallows alcohol sale between 2:00 a.m. and 8:00 a.m. weekdays and between 2:00 a.m. and 10:00 a.m. Sundays.

HISTORY

In 1919, the Volstead Act was passed, which banned the manufacturing and sale of alcohol resulting in a period of American history known as Prohibition.² Prior to Prohibition, alcohol was largely unregulated

¹ [Chapter 4 - ALCOHOLIC BEVERAGES | Code of Ordinances | Gainesville, FL | Municode Library](#)

² [Volstead Act | History, Definition, & Significance | Britannica](#)

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in the United States.³ After the repeal of Prohibition in 1933, the power to regulate alcohol went back to the states; citizens of the State of Florida voted to allow counties to administer alcohol regulations individually.⁴

In 1997, the State of Florida passed a bill requiring all bars to close in conjunction with the time alcohol stopped being served; this bill was coined an “anti-rave” bill, as it was prompted by the dangerous byproducts of rave parties throughout the state.⁵ At the time, Gainesville opted out of this policy. In 1999, the City passed an ordinance that required all bars to close at 2:00 a.m. in alignment with the cessation of alcohol sale.⁵ Preceding policy allowed Gainesville bars to stay open as late as desired.⁶ The status of bar hour policy in Gainesville has been debated frequently. For instance, the bar hour ordinance was challenged in 2005 when a proposal to allow bars to remain open until 3:00 a.m. was introduced and ultimately rejected.⁷

Prior to the Covid-19 pandemic, it was unlawful to possess or consume any open container of alcohol on public or private property within the City of Gainesville. In September of 2020, the City Commission temporarily lifted the open container ordinance, allowing for the consumption of open containers on city property in response to the COVID-19 pandemic in an effort to support local businesses and encourage safe outdoor gatherings.⁸ In August of 2021, a revised permanent open container ordinance was adopted, allowing residents to possess and consume containers between 7:00 a.m. and 2:30 a.m. each day, with exceptions made for some rentals of event spaces and special events.⁹

In May 2022, the City Commission began re-evaluating the status of open container, considering whether to continue to allow open containers at all hours, scale back the hours open containers are permitted, or reinstate a complete restriction. Advocates for reinstating an open container ordinance cite public safety as a reason for concern. The City Commission has noted evidence indicating an increase in crime or public disorder since the new open container was enacted. Furthermore, concern regarding increased strain on the Gainesville Police Department (GPD) has been mentioned, as the existing hours in which open containers are permitted requires further time and resources from the currently short-staffed GPD. On the other hand, several downtown bar owners have shown support for continuing to permit open containers and maintaining its existing hours, as this allows for increased business. The City Commission has requested that staff look into potential solutions, including the creation of entertainment districts.¹⁰

Previous research has been conducted by the Policy Research Team on the implementation of Entertainment Districts.¹¹ The creation of an Entertainment District could allow for open container policy

³ [A Brief History of US Drinking - JSTOR Daily](#)

⁴ [Florida Prohibition by Counties, Amendment 3 \(1934\) - Ballotpedia](#)

⁵ [Rave law revisited \(gainesville.com\)](#)

⁶ [Gainesville revisits closing time \(ocala.com\)](#)

⁷ [Commission panel rejects longer hours for city bars \(gainesville.com\)](#)

⁸ [Gainesville City Commission Finalizes Plans To Allow Open Containers On City Property - WUFT News](#)

⁹ [Gainesville finalizes open container ordinance \(mainstreetdailynews.com\)](#)

¹⁰ [2022-762 Open Container Discussion and Direction \(B\) \(escribemeetings.com\)](#)

¹¹ [Entertainment District Research Report.pdf](#)

to differ within certain boundaries. This execution can be seen in the City of Durham, North Carolina, which implemented a social district open from 11:00 a.m. to 10:00 p.m. in which public drinking in specified to-go cups is permitted.¹²

In the City of Gainesville, alcoholic beverages by the package, other than packaged beer and unfortified wine, cannot be sold from 11:00 p.m. to 7:00 a.m. the following day, all days of the week. All other alcoholic beverages cannot be sold from 2:00 a.m. to 7:00 a.m., all days of the week.¹³

BEST PRACTICES

A 2019 study via the U.S. Department of Justice found that generally, the number of violent crimes committed by adults increases hourly from 6:00 a.m. through the afternoon and evening, peaks at 9:00 p.m., and then drops to a low at 5:00 a.m. The same study found that 30% of all violent crime committed by adults occurs between the hours of 6:00 p.m. and 11:00 p.m. Meanwhile, violent crime committed by juveniles additionally increases starting at 6 a.m. but peaks in the late afternoon at 4 p.m. and continues to drop to a low at 5 a.m. The study found that 37% of violent crime committed by youth occurs in the period between noon and 5 p.m., indicating that violent crime committed by juveniles is more concentrated in the early and late afternoon, while violent crime committed by adults is more concentrated in the early and late evening.¹⁴

¹² [Ordinance No. 16041 | Code of Ordinances | Durham, NC | Municode Library](#)

¹³ https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH4ALBE

¹⁴ [Violent crime time of day
\(per 1,000 in age group\) \(oijdp.gov\)](#)

PRACTICES FROM OTHER JURISDICTIONS

	Ban on open containers	Regulation on when alcohol may be sold	Hours alcohol may not be sold
Athens, GA	X	X	2:00 a.m. – 7:00 a.m. (by the drink, Mon – Fri; Sat: 7:00 a.m. – 1:55 a.m. Sun. morning)
Tallahassee, FL	X	X	2:00 a.m. – 6:00 a.m.
Chapel Hill, NC	X	X	2:00 a.m. – 7:00 a.m.
Knoxville, TN	X		May not consume alcohol not on premises of business between 1:00 a.m. – 6:00 a.m.
Bloomington, IN	X	X	3:00 a.m. – 7:00 a.m.
Columbia, MO	X	X	1:30 a.m. – 6:00 a.m.
Berkeley, CA	X	X	2:00 a.m. – 6:00 a.m.
Syracuse, NY	X	X	2:00 a.m. – 8:00 a.m. weekdays; 2:00 a.m. – 10:00 a.m. Sundays

Athens, GA

Open Container:

It is unlawful for any person to have in his or her possession any alcoholic beverage in any open container while on public streets, sidewalks, alleyways or rights-of-way, in any public or semipublic parking facility or any outdoor public patio. Exceptions can be made for special events within Athens-Clarke County.¹⁵

Bar Hours:

Retail liquor may be sold 8:00 a.m. to 11:30 p.m. Monday through Saturday. Retail beer or wine may be sold 7:00 a.m. to 11:30 p.m. Monday through Saturday. Retail liquor by the drink and retail beer or wine by the drink may be sold Monday through Friday starting at 7:00 a.m. until 2:00 a.m. the next day, and Saturday morning from 7:00 a.m. until 1:55 a.m. Sunday. Seasonal changes allow for sale until 2:00 a.m.¹⁵

¹⁵ CHAPTER 6-3. - ALCOHOLIC BEVERAGES | Code of Ordinances | Athens-Clarke County, GA | Municode Library

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Public entertainment facilities which permit the consumption of alcoholic beverages on its premises are permitted to remain open during the same time alcohol by the drink may be sold: from 7:00 a.m. to 1:55 a.m. All persons must be cleared from the premises of such establishments 45 minutes after the discontinuation of the sale of alcoholic beverages.¹⁵

Tallahassee, FL

Open Container:

It is unlawful for anyone to possess or consume open containers of beer, wine, alcoholic beverages or intoxicating liquors off the premises of an establishment dealing in alcoholic beverages and within 500 feet of the premises which is licensed for the sale of alcoholic beverages.¹⁶

Bar Hours:

Vendors of malt beverages, wines and alcoholic beverages may sell such beverages within the city all days; however, no such beverage may be sold between the hours of 2:00 a.m. and 6:00 a.m.¹⁶

Chapel Hill, NC

Open Container:

It is unlawful for any person to possess or consume any open container of malt beverage or unfortified wine on any street, sidewalk or alley, or in any municipal parking lot, on the grounds of any public town building, or on any real estate owned by the town including public parks, playgrounds, tot lots, recreational fields, tennis courts, or other athletic fields, or in any building owned by the town. Exceptions are made for designated special events in the Chapel Hill Public Library. The provisions of this law do not apply when the service of alcoholic beverages is at a location where the sale of alcoholic beverages is permitted on town-owned property by an encroachment agreement.¹⁷

Bar Hours:

The State of North Carolina prohibits the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages between the hours of 2:00 a.m. and 7:00 a.m. each day and prohibits the consumption of such alcoholic beverages between 2:30 a.m. and 7:00 a.m. in permitted establishments.¹⁸

Knoxville, TN

Open Container:

¹⁶ [Sec. 3-7. - Possession of open containers. | Code of Ordinances | Tallahassee, FL | Municode Library](#)

¹⁷ [Chapter 3 - ALCOHOLIC BEVERAGES | Code of Ordinances | Chapel Hill, NC | Municode Library](#)

¹⁸ [North Carolina General Statutes § 18B-1004 \(2022\) - Hours for sale and consumption. :: 2022 North Carolina General Statutes :: US Codes and Statutes :: US Law :: Justia](#)

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It is unlawful for any person to possess or consume an open container of alcoholic beverages on any public street, sidewalk, playground, school property, public park, recreational facility, public parking lot within the limits of the city, or privately owned parking lot.¹⁹

Bar Hours:

It is unlawful for any person to consume beer or any other alcoholic beverage between the hours of 1:00 a.m. and 6:00 a.m. not lawfully sold by the business on the premises of any business open during these hours. It's additionally unlawful for any person to possess an open container of an alcoholic beverage not lawfully sold by the business on the premises of any business open during these hours.¹⁹

Bloomington, IN

Open Container:

It is unlawful for any person to consume any alcoholic beverage in or on any publicly owned area or on any public street, highway or accessway. The Indiana Alcohol and Tobacco Commission may issue temporary permits, allowing for the lawful consumption of beer or wine at a special event.²⁰

Bar Hours:

It is unlawful in the State of Indiana to dispense alcoholic beverages between 3:00 a.m. and 7:00 a.m. the following day.²¹

Columbia, MO

Open Container:

It is unlawful for any person to possess or consume any alcoholic beverage on any street, sidewalk or city parking facility unless such alcoholic beverage is in its original and unbroken container.²²

Bar Hours:

No person shall sell any intoxicating liquor or non-intoxicating beer between the hours of 1:30 a.m. and 6:00 a.m. each day. The premises of those licensed to sell intoxicating liquor by the drink must remain closed between the hours of 1:30 a.m. and 6:00 a.m. each day. No licensee shall permit the consumption of non-intoxicating beer between the hours of 2:00 a.m. and 6:00 a.m. each day.²³

Berkeley, CA

¹⁹ [ARTICLE I. - IN GENERAL | Code of Ordinances | Knoxville, TN | Municode Library](#)

²⁰ [14.36.090 - Intoxicating beverages—Consumption in public. | Code of Ordinances | Bloomington, IN | Municode Library](#)

²¹ [2022 Guidelines for Requesting Alcohol Sales](#)

²² [DIVISION 12. - OFFENSES AGAINST PUBLIC ORDER | Code of Ordinances | Columbia, MO | Municode Library](#)

²³ [California Business and Professions Code § 25631 \(2020\) :: 2020 California Code :: US Codes and Statutes :: US Law :: Justia](#)

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Open Container:

It is unlawful to possess a previously opened alcoholic beverage container that still contains an alcoholic beverage in any public place owned or controlled by the City, or in any recreation and park district, regional park, or open space district within the City.²⁴

Bar Hours:

Per California State law, any alcoholic beverage may not be sold, given or delivered between the hours of 2:00 a.m. and 6:00 a.m.²⁵

Syracuse, NY

Open Container:

Unless otherwise authorized, no person shall consume or possess with intent to consume an open container containing an alcoholic beverage in or on any public place, public parking lot, school property, city cemetery, public park or on private property without the invitation of the owner. However, special permits may be issued to allow for consuming open containers.²⁶

Bar Hours:

In Onondaga County, alcohol in restaurants, bars and taverns may not be sold between the hours of 2:00 a.m. and 8:00 a.m. weekdays, and between 2:00 a.m. and 10:00 a.m. on Sunday.²⁷

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Athens-Clarke County, Georgia, Sec. 6-3-5

Athens-Clarke County, Georgia, Sec. 6-3-12

Berkeley, California, 13.36.070

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²⁴ [Title 13 Div. IV Offenses Against Public Peace | Berkeley Municipal Code](#)

²⁵ [25631 BPC - Selling Alcohol After Permitted Hours \(shouselaw.com\)](#)

²⁶ [ARTICLE 13.5. - POSSESSION OF OPEN CONTAINERS | Code of Ordinances | Syracuse, NY | Municode Library](#)

²⁷ [Onondaga County | Liquor Authority \(ny.gov\)](#)

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Syracuse, New York Sec. 16-47

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Tallahassee, Florida Sec. 3-4

Tallahassee, Florida Sec. 3-7