

1 **ORDINANCE NO. 2023-855**

2 **An ordinance of the City of Gainesville, Florida, adding regulations for an**
3 **Entertainment District related to open containers of alcoholic beverages and**
4 **including a map for a Downtown Entertainment District by adding a new Article**
5 **IV within Chapter 4 of the Code of Ordinances; providing directions to the**
6 **codifier; providing a severability clause; providing a repealing clause; and**
7 **providing an effective date.**
8

9 **WHEREAS**, the City of Gainesville, Florida (“City”) is a duly constituted municipality having such
10 power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule
11 Powers Act; and

12 **WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for
13 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the
14 Florida Constitution, including the exercise of any power for municipal purposes not expressly
15 prohibited by law; and

16 **WHEREAS**, at least ten days’ notice has been given once by publication in a newspaper of general
17 circulation notifying the public of this proposed ordinance and of public hearings to be held by
18 the City Commission of the City of Gainesville; and

19 **WHEREAS**, the public hearings were held pursuant to the published notice described at which
20 hearings the parties in interest and all others had an opportunity to be and were, in fact heard;
21 and

22 **WHEREAS**, the City Commission has determined that the changes to the Code of Ordinances as
23 provided in this ordinance serve a valid public purpose and are in the best interest of the public
24 health, safety, and general welfare of the City.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
26 **FLORIDA:**

27 **SECTION 1.** A new Article IV within Chapter 4 of the Code of Ordinances is added as follows.

28 **Chapter 4 – ALCOHOLIC BEVERAGES**

29

30 **ARTICLE IV. – ENTERTAINMENT DISTRICT**

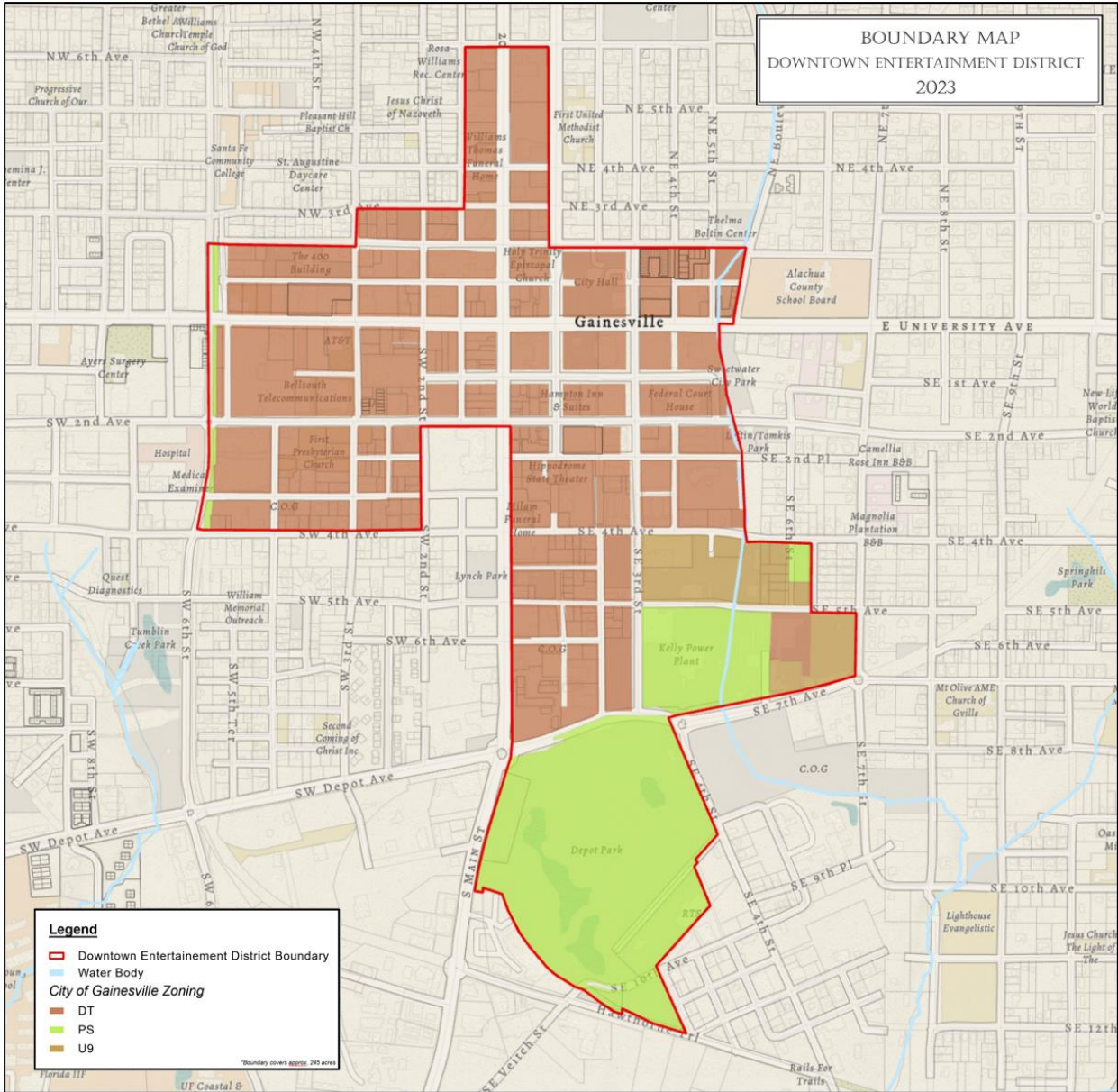
31

32 **Sec. 4-57. – Purpose.**

33 The purpose of this article is to encourage community vibrancy and the economic success
34 of entertainment, retail, and restaurant uses within a limited defined area of the city,
35 hereafter referred to as the entertainment district(s). The regulations within this article are
36 intended to support and enhance cultural event programming, restaurants, music venues,
37 and arts institutions located within the entertainment district(s) while promoting pedestrian
38 use, provide for more efficient and effective public safety enforcement in a defined area,
39 foster a mutual relationship among commercial merchants and property owners, and
40 encourage private development of entertainment facilities which enhance and complement
41 the use of public facilities.

42• **Sec. 4-58. – District boundaries.**

43 The entertainment district(s) subject to the provisions of this article are depicted in the
44 following maps attached to and included within this section.



45
46
47
48
49
50
51
52
53
54

Sec. 4-59. – Definitions.

As used in this article, the following words and phrases have the meanings indicated.

Alcoholic beverage(s) means those alcoholic beverages as defined in Chapters 561, 563, and 564, Florida Statutes, and as interpreted by the courts of this state and the state director of the division of alcoholic beverages and tobacco of the department of business and professional regulation, and includes beer, wine, and liquor, or any beverage containing any of the foregoing.

55 **Alcoholic beverage establishment** means an alcoholic beverage dispensing establishment
56 located within the entertainment district(s) and which is licensed and permitted under state
57 law to sell alcoholic beverages.

58 **Approved container** means an aluminum, plastic, or paper cup provided by an alcoholic
59 beverage establishment and intended for removal of an alcoholic beverage from the licensed
60 premises. Approved containers may not exceed 16 fluid ounces in size and may not consist of
61 cans, bottles, or glass containers.

62 **Entertainment district(s)** means the distinct area(s) within the boundaries of the
63 entertainment district(s) as set forth in section 4-58.

64 **Open container** means as that term is defined in Section 4-1 of the Code of Ordinances.

65 **Outside** means all sidewalks, streets, alleyways, and designated street crossing paths that are
66 within the boundaries of the entertainment district(s) and beyond the premises of a licensed
67 alcoholic beverage establishment.

68 **Sec. 4-60. – Outside consumption of alcoholic beverages.**

69 Notwithstanding any provision to the contrary within the Code of Ordinances, persons of
70 legal age to purchase and consume alcoholic beverages may, within the boundaries of the
71 entertainment district(s), possess and consume an open container of an alcoholic beverage
72 outside of the premises of alcoholic beverage establishments, subject to the following
73 regulations:

74 a. **Hours.** Alcoholic beverage establishments may dispense an open container of an
75 alcoholic beverage for removal from the licensed premises of the alcoholic beverage
76 establishment, and a person may possess and consume an open container of an
77 alcoholic beverage outside of the licensed premises of an alcoholic beverage
78 establishment, only within the hours of 8:00 a.m. to 11:30 p.m. Extended hours of
79 consumption for special events may be granted pursuant to applicable sections of the
80 Code of Ordinances.

81 b. **Approved container.** Open containers of alcoholic beverages dispensed, possessed, or
82 consumed within the entertainment district(s) pursuant to this article must be in an
83 approved container.

84 c. **Drink limit.** Alcoholic beverage establishments shall not allow a person to exit its
85 premises with more than one (1) open container of an alcoholic beverage, and no
86 person may exit the premises of an alcoholic beverage establishment with more than
87 one (1) open container of an alcoholic beverage.

88 d. **Entering an alcoholic beverage establishment.** No person may enter an alcoholic
89 beverage establishment with an open container of an alcoholic beverage, whether
90 acquired at that alcoholic beverage establishment or elsewhere.

91 e. **Notice of boundaries.** Alcoholic beverage establishments shall post, at all points of
92 egress from the licensed premises, a map of the boundaries of the entertainment

93 district in which it is located. Alcoholic beverage establishments shall also provide,
94 either in electronic or paper form, a map of the entertainment district upon request.

95 f. Enforcement. Any person or alcoholic beverage establishment not in compliance with
96 any provision of this article will be subject to the penalties designated in sections 1-9
97 or 2-339 of the Code of Ordinances. Each violation will be considered a separate
98 offense, which can be prosecuted separately.
99

100 **SECTION 2.** Section 2-339 of the Code of Ordinances is amended as follows. Except as
101 amended herein, the remainder of Section 2-339 remains in full force and effect.

102 **Sec. 2-339. – Applicable codes and ordinances.**

103 The following ordinances are enforceable by the procedures described in this division:

Section	Description	Class	Penalty
<u>Article IV of Chapter 4</u>	<u>Entertainment District violations</u>	<u>IV</u>	<u>\$200</u>

104
105
106 **SECTION 3.** It is the intent of the City Commission that the provisions of Sections 1 and 2 of
107 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
108 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
109 relettered in order to accomplish such intent.

110 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
111 the application hereof to any person or circumstance is held invalid or unconstitutional, such
112 finding will not affect the other provisions or applications of this ordinance that can be given
113 effect without the invalid or unconstitutional provision or application, and to this end the
114 provisions of this ordinance are declared severable.

115 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
116 conflict hereby repealed.

117 **SECTION 6.** This ordinance will become effective immediately upon adoption.

118

119 **PASSED AND ADOPTED** this _____ day of _____, 2023.

120

121

122

HARVEY L. WARD, JR.

123

MAYOR

124

125

126

127 Attest:

Approved as to form and legality:

128

129

130

KRISTEN J. BRYANT

DANIEL M. NEE

INTERIM CITY CLERK

CITY ATTORNEY

133

134 This ordinance passed on first reading this _____ day of _____, 2023.

135

136 This ordinance passed on second reading this _____ day of _____, 2023.