

1 **SECTION 1.** Section 4-1 in Article I of Chapter 4 of the Code of Ordinances of Gainesville,
2 Florida, is hereby amended to read as follows:

3 **Chapter 4 – ALCOHOLIC BEVERAGES**

4 **ARTICLE I. IN GENERAL**

5 **Section 4-1. Definitions.**

6 ~~(a) — The definitions contained in the beverage law of the state, as defined in F.S. chs. 561, 563~~
7 ~~and 564, and interpreted by the courts of this state and the state director of the division~~
8 ~~of alcoholic beverages and tobacco of the department of business and professional~~
9 ~~regulation, shall apply to the terms in this chapter.~~

10 ~~(b) — *Open container* shall mean any bottle, can, glass, cup or other vessel, containing an~~
11 ~~alcoholic beverage, other than 1) the original unbroken sealed container or 2) a container~~
12 ~~of an alcoholic beverage, resealed or sealed by the alcoholic beverage licensee pursuant~~
13 ~~to F.S. §§ 561.20(2)(a)4., 564.09 or 565.045; provided however, that if a container of~~
14 ~~alcoholic beverage is resealed or sealed by the alcoholic beverage licensee pursuant to~~
15 ~~F.S. §§ 561.20(2)(a)4., 564.09 or 565.045, is transported in a motor vehicle, the resealed~~
16 ~~container shall be considered an open container unless it is placed in a locked glove~~
17 ~~compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle~~
18 ~~that is not equipped with a trunk.~~

19 ~~(c) — *Alcohol event permit* means a permit issued pursuant to section 4-4 of this Code that~~
20 ~~allows the temporary sale of beer, wine or other alcoholic beverages.~~

21 ~~(d) — *Not-for-profit entity* means an entity qualified under Section 501(c)(3) of the Internal~~
22 ~~Revenue Code and registered pursuant to F.S. ch. 496.~~

23 The definitions contained in the alcoholic beverage laws of the state, as defined in F.S. chs. 561,
24 563, and 564, and interpreted by the courts of this state and the state director of the division of
25 alcoholic beverages and tobacco of the department of business and professional regulation,
26 apply to the terms in this chapter. In addition, the following words and phrases have the
27 meaning indicated.

28 (a) *Alcohol event permit* means a permit issued pursuant to section 4-4 of this Code that
29 allows the temporary sale of beer, wine, or other alcoholic beverages.

30 (b) *Not-for-profit entity* means an entity qualified under Section 501(c)(3) of the Internal
31 Revenue Code and registered pursuant to F.S. ch. 496.

32 (c) *Open container* means any bottle, can, glass, cup, or other vessel containing an alcoholic
33 beverage, other than 1) the original unbroken sealed container or 2) a container of an
34 alcoholic beverage resealed or sealed by the alcoholic beverage licensee pursuant to F.S.
35 §§ 561.20(2)(a)4., 564.09, or 565.045; provided however, that if a container of alcoholic
36 beverage that is resealed or sealed by the alcoholic beverage licensee pursuant to F.S. §§

1 561.20(2)(a)4., 564.09, or 565.045 is transported in a motor vehicle, the resealed
2 container is considered an open container unless it is placed in a locked glove
3 compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle
4 that is not equipped with a trunk.

5 (d) Public right-of-way means land dedicated or deeded to, made available to, or used by the
6 general public as a street, alley, walkway, sidewalk, boulevard, or for public ingress or
7 egress.

8
9 **SECTION 2.** Section 4-4 in Article I of Chapter 4 of the Code of Ordinances of Gainesville,
10 Florida, is hereby amended to read as follows:

11 **Chapter 4 – ALCOHOLIC BEVERAGES**

12 **Article I. IN GENERAL**

13 **Sec. 4-4. Sale, dispensing, consumption, and possession generally.**

14 (a) ~~Generally. Except as specifically allowed by this section, it shall be unlawful for any person~~
15 ~~to sell, distribute, consume or possess any alcoholic beverage in any open container on~~
16 ~~any property owned by the city or on any public right-of-way, including without limitation,~~
17 ~~streets, thoroughfares, highways or sidewalks.~~ Any person or legal entity that is allowed
18 to sell or dispense alcoholic beverages pursuant to this section shall comply with all
19 applicable federal, state, and local laws related to the sale or dispensing of alcoholic
20 beverages. The city manager is authorized to promulgate written administrative
21 procedures to implement this section and any alcohol event permits authorized herein.

22 (b) City-owned property; city or county-owned parking lots and garages. ~~It shall be~~ is unlawful
23 for any person to sell, dispense, possess, or consume any alcoholic ~~beverages~~ beverage
24 open container on any property owned by the city, or on any parking lot or garage owned
25 by the city or Alachua County, except as follows:

26 (1) At the airport terminal facility and the municipal golf course facility when being sold
27 or dispensed by the facility owner or by a natural person or legal entity that is under
28 contract with the facility owner;

29 (2) Dispensing, possession, and consumption, but not sale, within ~~Within~~ the rental event
30 space during an event at the Thomas Center, the Thelma Bolton Center, Boulware
31 Springs, and the Senior Recreation Center, ~~dispensing, but not sale, for consumption~~
32 ~~during an event for which the space is rented.~~ A fundraising event sponsored by a
33 governmental or other public entity or a not-for-profit entity that charges admission
34 for the event, but does not charge for the purchase of the alcoholic beverages, is not
35 considered the sale of alcoholic beverages. The rental agreement may specify such
36 terms and conditions as may be required by the city in its sole discretion as owner of
37 the property.

1 ~~(3) During a special event produced by the city, pursuant to written policy of the city. The~~
2 ~~city manager is authorized to promulgate a written policy to govern the process and~~
3 ~~contract terms and conditions under which the city may select not-for-profit entities~~
4 ~~to sell or dispense alcoholic beverages during a city-produced special event.~~

5 ~~(4) On other property that the city makes available for special events produced by private~~
6 ~~parties, pursuant to written policy of the city. The city manager is authorized to~~
7 ~~promulgate a written policy to govern the process and terms and conditions under~~
8 ~~which the city may issue an alcohol event permit for the sale, dispensing,~~
9 ~~consumption, or possession of alcoholic beverages on particular parcels of city-owned~~
10 ~~property. The city commission shall determine which particular parcels, if any, are~~
11 ~~made available for such events.~~

12 ~~(5)~~ On property that is leased to a private party pursuant to the city's real estate policy,
13 if the sale, dispensing, possession, and consumption of alcoholic beverages is
14 expressly allowed under the terms of the lease agreement. The lease may specify such
15 terms and conditions as may be required by the city in its sole discretion as owner of
16 the property.

17 (4) Within city-owned public parks as may be authorized by article IV (arts, culture, and
18 entertainment districts) of chapter 4 of the Code of Ordinances or by section 18-20 of
19 chapter 18 of the Code of Ordinances.

20 (5) Within property that is part of a special event as may be authorized by the Code of
21 Ordinances.

22 (c) *Public right-of-way.* It ~~shall be~~ is unlawful for any person to sell, dispense ~~distribute,~~
23 ~~consume,~~ or possess any alcoholic beverage ~~in any~~ open container on any ~~city or other~~
24 ~~public right-of-way, including without limitation, streets, thoroughfares, highways or~~
25 ~~sidewalks,~~ except as follows:

26 (1) Within a sidewalk café that is licensed in accordance with the city's Land Development
27 Code.

28 (2) Within any arts, culture, and entertainment districts as may be authorized by article
29 IV of chapter 4 of the Code of Ordinances.

30 ~~(3)~~ At an outdoor event, within the downtown district as shown in Figure 1, pursuant to
31 an alcohol event permit. Within property that is part of a special event as may be
32 authorized by the Code of Ordinances.

33 **Figure 1. Downtown District**—(NOTE TO CODIFIER: Please delete this figure.)

34 The city manager, or designee, is authorized to issue an alcohol event permit for the
35 sale of beer and wine associated with an outdoor event organized, produced, and
36 managed by a governmental or other public entity or a not-for-profit entity, subject
37 to the following:

- 1 a. ~~An alcohol event permit application must be submitted by the event organizer, on~~
2 ~~the form provided by the city, along with payment of the fee set forth in Appendix~~
3 ~~A of this Code.~~
- 4 b. ~~The alcohol event permit application shall include a site plan sketch showing the~~
5 ~~location, access, barriers delineating the event site from other public areas, and~~
6 ~~all other pertinent details of the site; a report detailing the dates and times during~~
7 ~~which the event will be conducted, the estimated number of people expected to~~
8 ~~attend, the capacity of any proposed temporary structures, the capacity of the~~
9 ~~event site, whether there will be outdoor entertainment, a plan for the installation~~
10 ~~of temporary sanitary facilities, a plan for the storage and pickup of solid waste~~
11 ~~during and after the event; and a public safety plan detailing how the applicant~~
12 ~~will maintain crowd control and public safety, and comply with the city's noise~~
13 ~~ordinance.~~
- 14 c. ~~The alcohol event permit application shall be reviewed by the appropriate~~
15 ~~departments of the city to ensure protection of the public health, safety and~~
16 ~~general welfare. In addition to normal concerns of each such department,~~
17 ~~particular attention will be given to traffic flow and control, auto and pedestrian~~
18 ~~safety, noise and the effect that the use and activity will have on surrounding uses,~~
19 ~~particularly where the adjoining or nearby use is residential.~~
- 20 d. ~~The alcohol event permit may be approved or denied by the city manager or~~
21 ~~designee based on compliance with this subsection. The city manager or designee~~
22 ~~may impose additional special conditions as deemed necessary to protect the~~
23 ~~public health, safety and general welfare.~~
- 24 e. ~~Each alcohol event permit issued shall be subject to the following conditions,~~
25 ~~requirements and limitations, as well as any other special conditions stated in the~~
26 ~~permit.~~
- 27 1. ~~A sufficient number of off-duty law enforcement officers and fire-rescue~~
28 ~~personnel, as determined by the city, shall be employed by the permittee to~~
29 ~~provide security, crowd control and emergency medical services for the event.~~
- 30 2. ~~The permittee shall indemnify the city, its elected and appointed officers,~~
31 ~~employees, and agents from any claim for personal injury, including death, or~~
32 ~~property damage, including destruction, associated with the event. This~~
33 ~~indemnification shall be in the form of an insurance policy acceptable to the~~
34 ~~city's risk manager, which that names the city as an additional insured and is~~
35 ~~endorsed to provide a separate aggregate of a minimum of \$1,000,000.00 for~~
36 ~~the event. In addition, the permittee shall procure a liquor liability policy with~~
37 ~~not less than \$1,000,000.00 of coverage that also names the city as an~~
38 ~~additional insured.~~
- 39 3. ~~The event may only be held on such streets, sidewalks and rights of way as the~~
40 ~~city deems appropriate for temporary closure in its sole discretion.~~

- 1 4. ~~The event may be open to the public only during such hours as the city deems~~
2 ~~appropriate in its sole discretion. Each event shall be limited to a maximum of~~
3 ~~72 consecutive hours, inclusive of time for set-up and clean-up.~~
- 4 5. ~~The sale, dispensing and consumption of beer and wine shall occur only within~~
5 ~~an area secured by fencing or barricades that are a minimum of four feet in~~
6 ~~height and with limited points of entry and exit. The permittee shall not allow~~
7 ~~alcoholic beverages purchased outside of the event to be brought into or~~
8 ~~consumed inside the permitted event area. Nor shall the event organizer~~
9 ~~allow beer or wine sold inside the secured area to be taken out of, or~~
10 ~~consumed outside of, the secured area.~~
- 11 f. ~~Only two alcohol event permits may be issued per calendar year per applicant.~~
12 ~~However, one alcohol event permit may include all of the University of Florida~~
13 ~~home football games for the school year.~~
- 14 (d) *Outdoors on property owned by parties other than the city.* It ~~shall be~~ is unlawful for any
15 person to sell any alcoholic beverage ~~in an~~ open container outdoors on any property
16 owned by a party other than the city, except as follows:
- 17 (1) Within an outdoor seating area that is part of an approved use of property which is
18 zoned and permitted for the consumption of alcoholic beverages.
- 19 (2) On property owned and managed/operated by the University of Florida or Alachua
20 County, provided the university or the county (as applicable) ensures the protection
21 of the public health, safety, and general welfare. In particular, attention should be
22 given to traffic flow and control, auto and pedestrian safety, noise, and the effect that
23 the use and activity will have on surrounding uses, particularly where the adjoining or
24 nearby use is residential.
- 25 (3) Within property that is part of a special event as may be authorized by the Code of
26 Ordinances. ~~At a temporary outdoor event on property that is located in a business,~~
27 ~~mixed-use, or industrial zoning district as classified in the city's land development~~
28 ~~code; or at a temporary outdoor event on property that is zoned planned~~
29 ~~development (provided the planned development ordinance allows commercial or~~
30 ~~mixed uses and not solely residential uses); or in connection with a temporary sale for~~
31 ~~fundraising by a nonprofit agency. Any such events shall require an alcohol event~~
32 ~~permit issued by the city manager or designee as follows:~~
- 33 a. ~~All alcohol event permit applications shall be submitted by the event organizer to~~
34 ~~the city, on the form provided by the city, along with payment of the fee set forth~~
35 ~~in Appendix A of this Code. If the event is conducted within common area, the~~
36 ~~applicant must obtain the written consent of the owner(s) or manager (if the~~
37 ~~owners utilize a manager for such purposes) of the common area on the permit~~
38 ~~application.~~
- 39 b. ~~All alcohol event permit applications must include a site plan sketch showing the~~
40 ~~location, access, barriers delineating the temporary sale from other public areas~~

1 and all other details of the site; a report detailing the dates and times during which
2 the event will be conducted, the estimated number of people expected to attend,
3 the capacity of any proposed temporary structures, the capacity of the event site,
4 whether there will be outdoor entertainment, a plan for the installation of
5 temporary sanitary facilities, a plan for the storage and pickup of solid waste
6 during and after the event; and a public safety plan detailing how the applicant
7 will maintain crowd control and public safety, and comply with the city's noise
8 ordinance.

9 ~~c. Alcohol event permit applications shall be examined by the appropriate~~
10 ~~departments of the city to ensure protection of the public health, safety and~~
11 ~~general welfare. In addition to normal concerns of each such department,~~
12 ~~particular attention will be given to traffic flow and control, auto and pedestrian~~
13 ~~safety, noise and the effect that the use and activity will have on surrounding uses,~~
14 ~~particularly where the adjoining use is residential.~~

15 ~~d. The alcohol event permit may be approved or denied by the city manager or~~
16 ~~designee based on compliance with this subsection. The city manager or designee~~
17 ~~may impose additional special conditions as deemed necessary to protect the~~
18 ~~public health, safety and general welfare.~~

19 ~~e. Only six (6) alcohol event permits may be issued per calendar year per applicant~~
20 ~~per location. However, one alcohol event permit may include all of the University~~
21 ~~of Florida home football games for the school year.~~

22 ~~f. Each alcohol event permit issued shall be subject to the following conditions,~~
23 ~~requirements and limitations, as well as any other special conditions stated in the~~
24 ~~permit.~~

25 ~~1. A sufficient number of off-duty law enforcement officers and EMS personnel,~~
26 ~~as determined by the city, shall be employed by the permittee to provide~~
27 ~~security, crowd control and emergency medical services for the event.~~

28 ~~2. The event may be open to the public only during the hours 10:00 a.m. to 2:00~~
29 ~~a.m. the following day. Each event shall be limited to 48 consecutive hours,~~
30 ~~inclusive of time for set-up and clean-up.~~

31 ~~3. The sale, dispensing, consumption and possession of alcoholic beverages shall~~
32 ~~occur only within an area secured by fencing or barricades a minimum of four~~
33 ~~feet in height and with limited points of entry and exit. The permittee shall~~
34 ~~not allow alcoholic beverages purchased outside of the permitted area to be~~
35 ~~brought into or consumed inside the permitted area. Nor shall the permittee~~
36 ~~allow alcoholic beverages sold inside the permitted area to be taken out of, or~~
37 ~~consumed outside of the permitted area.~~

38 (e) *Alcohol special event permits, generally.* An application for an alcohol event permit may
39 not be submitted more than six months prior to the first day of the event. If the city
40 manager or designee determines that an event is creating a clear and present danger of

1 ~~a riot or other general public disorder, or substantial injury to persons or to property, the~~
2 ~~city manager or designee may require the immediate cessation of the sale, dispensing,~~
3 ~~consumption and possession of alcoholic beverages or may require the immediate~~
4 ~~cessation of the vent. In addition, if the city manager or designee finds that the~~
5 ~~requirements or conditions of an alcohol event permit have been violated, and not cured~~
6 ~~within a reasonable time after reasonable notice to the permit holder, the city manager~~
7 ~~or designee may require the immediate cessation of the sale, dispensing, consumption~~
8 ~~and possession of alcoholic beverages or may require the immediate cessation of the~~
9 ~~event.~~ The city manager or designee may approve an alcohol special event permit
10 pursuant to this section to allow: 1) the sale, dispersion, possession, or consumption of
11 alcoholic beverage open containers on city-owned property or public rights-of-way; or 2)
12 the sale of alcoholic beverage open containers outdoors on property owned by a party
13 other than the city. Alcohol special event permits are allowable only on property that is
14 located in a business, mixed-use, or industrial zoning district as classified in the city's land
15 development code, or on property that is zoned planned development (provided the
16 planned development ordinance allows commercial or mixed-uses and not solely
17 residential uses). Any such event requires an alcohol special event permit issued by the
18 city manager or designee as follows:

19 (1) All alcohol event permit applications must be submitted by the event organizer to the
20 city, on the form provided by the city, along with payment of the fee set forth in
21 Appendix A of this Code. If the event is conducted within common area, the applicant
22 must obtain the written consent of the owner(s) or manager (if the owners use a
23 manager for such purposes) of the common area on the permit application.

24 (2) All alcohol special event permit applications must include: a site plan sketch showing
25 the location, access, barriers delineating the temporary sale from other public areas,
26 and all other details of the site; a report detailing the dates and times during which
27 the event will be conducted; the estimated number of people expected to attend, and
28 the capacity of any proposed temporary structures and the capacity of the event site;
29 whether there will be outdoor entertainment; a plan for the installation of temporary
30 sanitary facilities; a plan for the storage and pickup of solid waste during and after the
31 event; a public safety plan detailing how the applicant will maintain crowd control and
32 public safety; and a plan detailing how the applicant will comply with the city's noise
33 ordinance.

34 (3) Alcohol special event permit applications must be examined by the appropriate
35 departments of the city to ensure protection of the public health, safety, and general
36 welfare. In addition to normal concerns of each such department, particular attention
37 will be given to traffic flow and control, auto and pedestrian safety, noise, and the
38 effect that the use and activity will have on surrounding uses, particularly where any
39 adjacent areas are residential.

40 (4) The alcohol special event permit may be approved or denied by the city manager or
41 designee based on compliance with this subsection. The city manager or designee has

1 the sole discretion to determine whether the temporary closure of city-owned
2 property or public rights-of-way is appropriate for an alcohol special event permit.

3 (5) Each alcohol special event permit issued will be subject to the following conditions,
4 requirements, and limitations, as well as any additional special conditions that the city
5 manager or designee may impose as deemed necessary to protect the public health,
6 safety, and general welfare.

7 a. A sufficient number of off-duty law enforcement officers and EMS personnel, as
8 determined by the city, must be employed by the permittee to provide security,
9 crowd control, and emergency medical services for the event.

10 b. The event may be open to the public only during the hours 10:00 a.m. to 2:00 a.m.
11 the following day. Each event is limited to 72 consecutive hours, inclusive of time
12 for set-up and clean-up. The city manager or designee may further restrict the
13 hours and duration as necessary to protect the public health, safety, and general
14 welfare.

15 c. If the city manager or designee determines that an event is creating a clear and
16 present danger of a riot or other general public disorder, or substantial injury to
17 persons or to property, the city manager or designee may require the immediate
18 cessation of the sale, dispensing, consumption, and possession of alcoholic
19 beverages or may require the immediate cessation of the event. In addition, if the
20 city manager or designee finds that the requirements or conditions of an alcohol
21 event permit have been violated, and not cured within a reasonable time after
22 reasonable notice to the permit holder, the city manager or designee may require
23 the immediate cessation of the sale, dispensing, consumption, and possession of
24 alcoholic beverages or may require the immediate cessation of the event.

25 d. The permittee shall indemnify the city, its elected and appointed officers,
26 employees, and agents from any claim for personal injury, including death, or
27 property damage, including destruction, associated with the event. In addition,
28 the permittee shall provide an insurance policy acceptable to the city's risk
29 manager, which names the city as an additional insured and is endorsed to provide
30 a separate aggregate of a minimum of \$1,000,000 for the event. The permittee
31 shall also provide a liquor liability policy with not less than \$1,000,000 of coverage,
32 which names the city as an additional insured.

33 (f) *Penalties.* The provisions of this section regarding the unlawful open consumption of
34 and/or possession of an open container of alcoholic beverage, may be enforced by civil
35 citation as provided in sections 2-236 through 2-339 of the Code, or by criminal citation,
36 as provided in section 1-9 of the Code. ~~Any person not in compliance with any section of~~
37 ~~this article shall be subject to the penalties designated in sections 1-9 or 2-339 of this~~
38 ~~Code.~~ Each violation shall be considered a separate offense, which can be prosecuted
39 separately.

1 **SECTION 3.** Article IV of Chapter 4 of the Code of Ordinances of Gainesville, Florida, is hereby
2 amended to read as follows:

3 **Chapter 4 – ALCOHOLIC BEVERAGES**

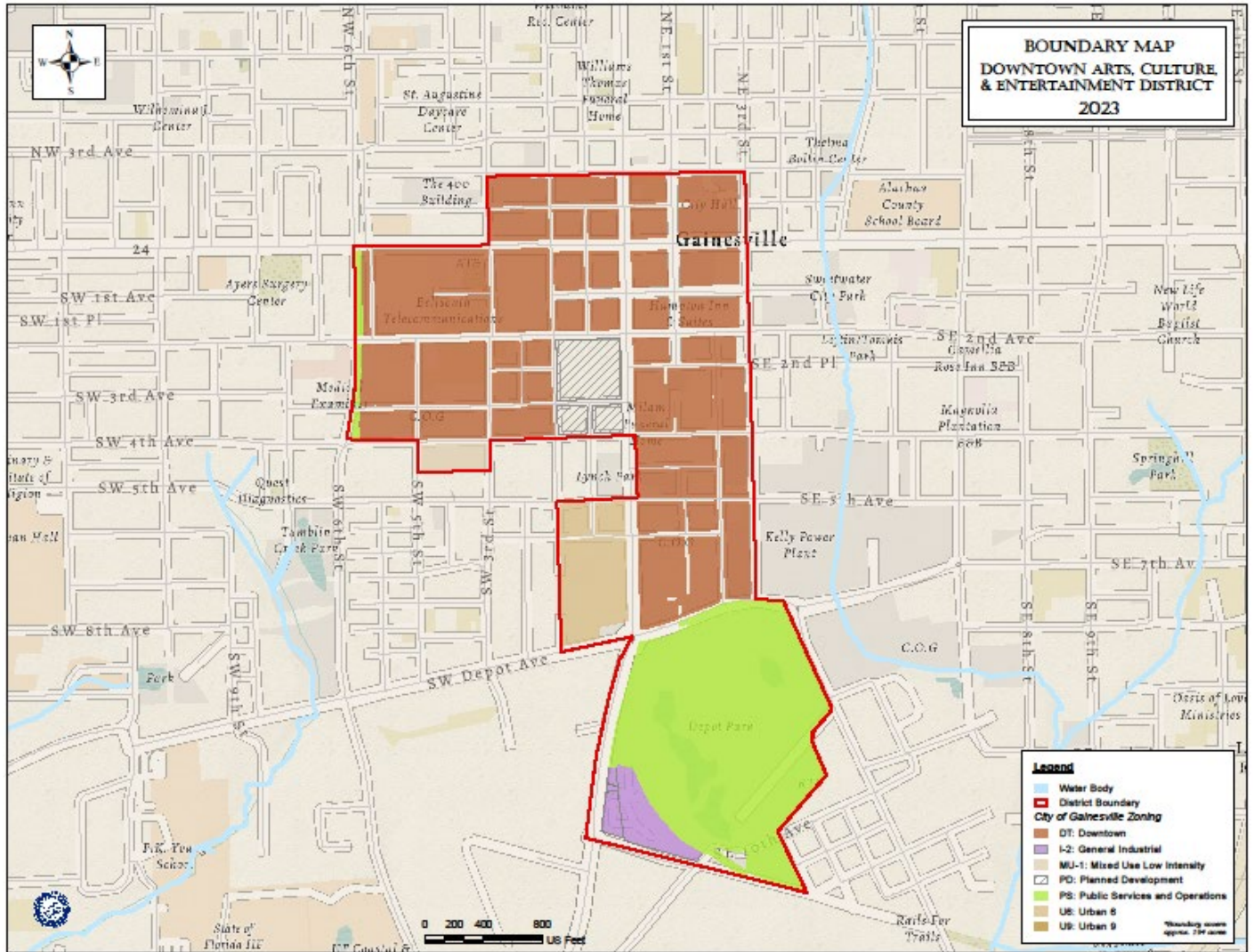
4 **Article IV. ARTS, CULTURE, AND ENTERTAINMENT DISTRICTS**

5 **Sec. 4-57. – Purpose.**

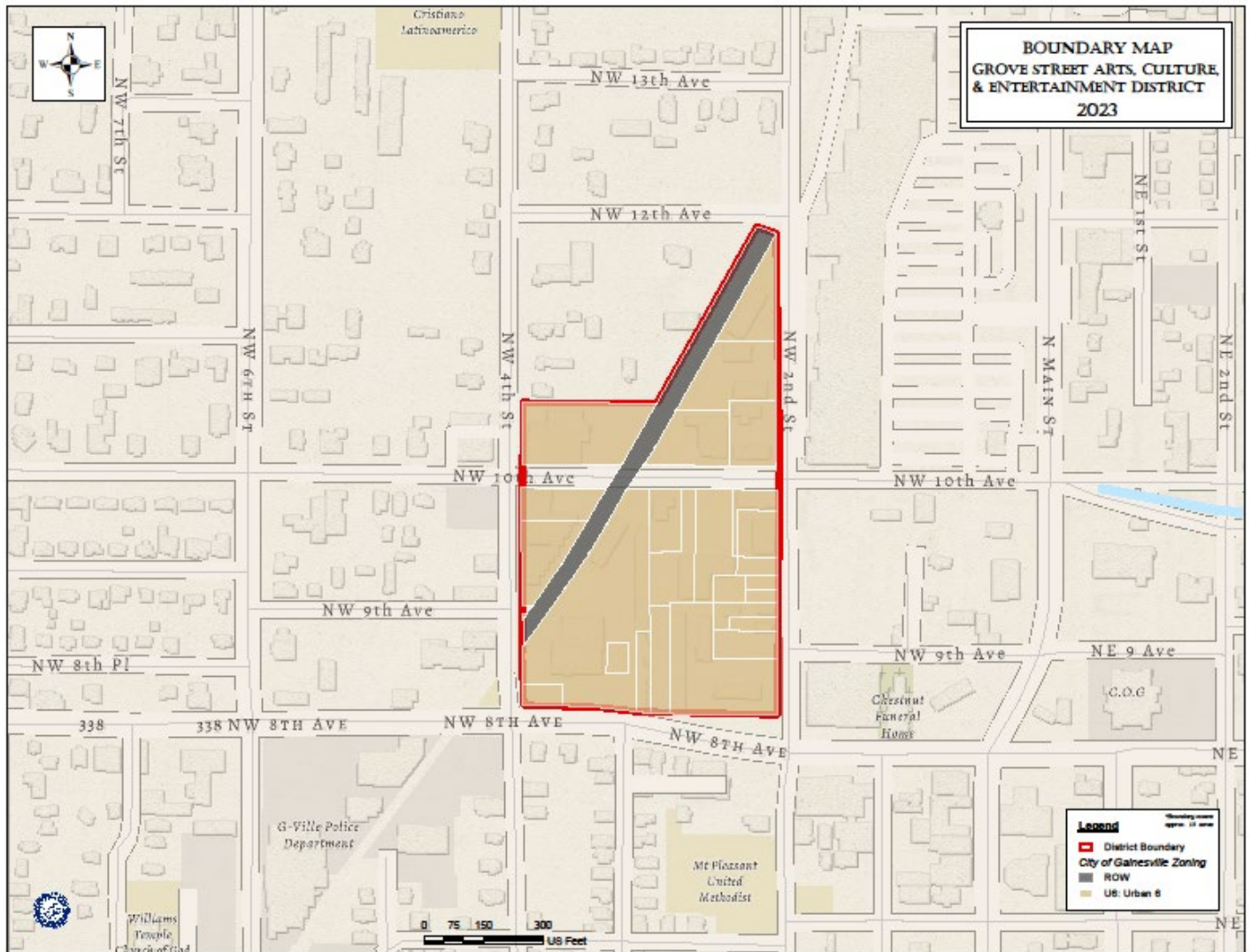
6 The purpose of this article is to encourage community vibrancy and the economic success
7 of entertainment, retail, and restaurant uses within a limited defined area of the city, hereafter
8 referred to as the entertainment district(s). The regulations within this article are intended to
9 support and enhance cultural event programming, restaurants, music venues, and arts
10 institutions located within the arts, culture, and entertainment districts while promoting
11 pedestrian use, provide for more efficient and effective public safety enforcement in a defined
12 area, foster a mutual relationship among commercial merchants and property owners, and
13 encourage private development of entertainment facilities which enhance and complement
14 the use of public facilities.

15
16 **Sec. 4-58. – District boundaries.**

17 The arts, culture, and entertainment districts subject to the provisions of this article are
18 depicted in the following maps attached to and included within this section.



1



1

2 **Sec. 4-59. – Definitions.**

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

4 **Alcoholic beverage(s)** means those alcoholic beverages as defined in Chapters 561, 563, and
 5 564, Florida Statutes, and as interpreted by the courts of this state and the state director of the
 6 division of alcoholic beverages and tobacco of the department of business and professional
 7 regulation, and includes beer, wine, and liquor, or any beverage containing any of the
 8 foregoing.

9 **Alcoholic beverage establishment** means an alcoholic beverage dispensing establishment
 10 located within any arts, culture, and entertainment district and which is licensed and permitted
 11 under state law to sell alcoholic beverages.

12 **Arts, culture, and entertainment district(s)** means the distinct area(s) within the boundaries of
 13 the arts, culture, and entertainment district(s) as set forth in section 4-58.

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

2 **Outside** means all sidewalks, streets, alleyways, ~~and~~ designated street crossing paths, public
3 rights-of-way, and city-owned parks, unless specifically excluded by the city manager or
4 designee to ensure protection of the public health, safety, and general welfare, which ~~that~~ are
5 within the boundaries of any arts, culture, and entertainment district and beyond the premises
6 of a licensed alcoholic beverage establishment. The boundaries of all arts, culture, and
7 entertainment districts include the entirety of the particular public right-of-way making up the
8 boundary, including as applicable the sidewalks located on both sides of the public right-of-way
9 boundary. This definition does not include any areas within any parking lots or garages owned
10 by either the city or Alachua County.

11
12 **Sec. 4-60. – Outside consumption of alcoholic beverages.**

13 Notwithstanding any provision to the contrary within the Code of Ordinances, persons of legal
14 age to purchase and consume alcoholic beverages may, within the boundaries of the arts,
15 culture, and entertainment districts, possess and consume an open container of an alcoholic
16 beverage outside of the premises of alcoholic beverage establishments, subject to the following
17 regulations:

- 18 a. *Hours.* A person may possess and consume an open container of an alcoholic beverage
19 outside of the licensed premises of an alcoholic beverage establishment, only within the
20 hours of 8:00 a.m. to 12:00 a.m. Extended hours of consumption for special events may
21 be granted pursuant to applicable sections of the Code of Ordinances.
- 22 b. *Glass container prohibition.* Open containers of alcoholic beverages possessed or
23 consumed outside within the arts, culture, and entertainment districts must not be
24 made of glass.
- 25 c. *Notice of boundaries.* Alcoholic beverage establishments shall post, at all points of
26 egress from the licensed premises, a map of the boundaries of the arts, culture, and
27 entertainment district in which it is located. Alcoholic beverage establishments shall
28 also provide, either in electronic or paper form, a map of the arts, culture, and
29 entertainment district upon request.
- 30 d. *Enforcement.* Any person or alcoholic beverage establishment not in compliance with
31 any provision of this article will be subject to the penalties designated in sections 1-9 or
32 2-339 of the Code of Ordinances. Each violation will be considered a separate offense,
33 which can be prosecuted separately.

34
35 **SECTION 4.** It is the intent of the City Commission that the provisions of Sections 1 through 3 of
36 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,

1 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
2 relettered in order to accomplish such intent.

3 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
4 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
5 will not affect the other provisions or applications of this ordinance that can be given effect
6 without the invalid or unconstitutional provision or application, and to this end the provisions of
7 this ordinance are declared severable.

8 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
9 conflict hereby repealed.

10 **SECTION 7.** This ordinance will become effective on January 1, 2024.

11

12 **PASSED AND ADOPTED** this ____ day of _____, 2023.

13

14 _____
15 HARVEY L. WARD, JR.
16 MAYOR

17
18 Attest: Approved as to form and legality:

19 _____
20 KRISTEN J. BRYANT DANIEL M. NEE
21 INTERIM CITY CLERK CITY ATTORNEY

22

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

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