

**ORDINANCE 15 - 07**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA AMENDING SECTION 4-4 OF THE CITY CODE OF ORDINANCES TO PROVIDE FOR THE LAWFUL POSSESSION, CONSUMPTION AND DELIVERY, BUT NOT SALE, OF ALCOHOLIC BEVERAGES ON AND AT THE MUNICIPALLY OWNED SWICK HOUSE PROPERTY, 15010 NW 142 TERRACE, WHEN THE PROPERTY IS RENTED; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

WHEREAS, the City of Alachua adopted a “Code of Ordinances, City of Alachua, Florida,” Consisting of Chapters 1-40 on September 27, 2010; and

WHEREAS, Sec. 4-4 of the City Code prohibits possession or consumption of alcoholic beverages on City property; and,

WHEREAS, The City has, by receipt of a Certificate of Occupancy on May 13, 2015, completed the restoration of the Swick House facility located at 15010 NW 142 Terrace and it is available for rent for meetings and events such as weddings, reunions and other large gatherings; and,

WHEREAS, The Swick House restoration work that began October first of last year has drawn the attention and interest of the community such that there has developed a demand for the rental of the space for weddings and other uses; and,

WHEREAS, one of the first questions presented to staff about conditions for the rental of space, particularly for a wedding, is if the serving of alcoholic beverages is permitted; and,

WHEREAS, the serving and consumption of alcoholic beverages are permitted on the premises of similar privately owned facilities and those owned by the City of Gainesville and Alachua County; and,

WHEREAS, in order for rental of the Swick House facility to be available and accessible to all members of the community and general public and to maximize the return on the investment of public funds, the delivery, but not sale, but possession and consumption of alcoholic beverages should be permitted on the Swick House property but continue to be prohibited on all other City property as provided in the City Code.

WHEREAS, All possession and use of alcoholic beverages is regulated by Florida Statutes which are and will remain in effect on the Swick House property; and,

WHEREAS, based on the findings recited above, the City Commission decides to amend Section 4-4 of Chapter 4 of its Code of Ordinances as set forth below.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA.

SECTION 1. AMENDMENT OF CODE OF ORDINANCES

The following Section 4-4 of Chapter 4 of the City of Alachua Code of Ordinances is hereby amended to read as follows:

**Sec. 4-4. - Possession or consumption on public or private property.**

- (a) ~~It shall be unlawful for any person to consume or to have in his possession any alcoholic beverage in a publicly owned park or recreation area, or on any public school property, or at any municipally owned or operated area~~ Except as specifically permitted as set forth in (c) of this Section, it shall be unlawful for any person to sell, serve, deliver to another, consume or to have in his or her possession any alcoholic beverage in a publicly owned park or recreation area, on any public school property, or at or on any municipally owned, leased, operated or controlled property or area.
- (b) It shall be unlawful for any person to consume or have in his possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk, or on any public parking facilities in the City; nor shall any person consume or have in his possession any alcoholic beverage in an open container on any private property, except as a lawful guest and with the consent of the owner and person in charge of such private property.
- (c) The prohibition against the sale of alcoholic beverages as set forth in (a) shall remain in effect, however, the prohibition of serving, delivering to another, consumption or possession of alcoholic beverage on municipally owned property shall not apply to the Swick House facility located at 15010 NW 142 Terrace during an event for which the facility is rented.
  - (1) Delivery of any alcoholic beverage for individual personal consumption at a fundraising event sponsored by a governmental entity or by a not for profit entity that charges admission for the event but does not charge for the delivery of alcoholic beverages is not considered a sale.
  - (2) The rental agreement may specify such terms and conditions as may be required by the City of Alachua as owner of the property.

SECTION 2. PROVIDING FOR SEVERABILITY

It is the declared intent of the Alachua City Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance and the remainder of this ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

**SECTION 3. REPEALING CLAUSE**

All ordinances or parts of ordinances in conflict with this ordinance are, to the extent they conflict with this ordinance, repealed.

**SECTION 4. INCLUSION IN THE CODE**

It is the intention of the City Commission of the City of Alachua, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Alachua, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention and words may be changed for the same purpose.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and adoption on the second and final reading.

PASSED on first reading on the 22 day of June, 2015.

**CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA**

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**Gib Coerper, Mayor**

SEAL

**ATTEST:**

**APPROVED AS TO FORM**

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Traci L. Cain, City Manager/Clerk

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Marian B. Rush, City Attorney