

ORDINANCE 18-06

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S CODE OF ORDINANCES; AMENDING SUBPART A, CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CITY OF ALACHUA CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF ALCOHOLIC BEVERAGES WHEN SOLD, SERVED, DELIVERED, OR CONSUMED DURING TEMPORARY EVENTS AND SPECIAL EVENTS; PERMITTING ALCOHOLIC BEVERAGES TO BE SOLD, SERVED, DELIVERED, OR CONSUMED AT DESIGNATED MUNICIPALLY-OWNED PARKS, RECREATION AREAS, AND PROPERTIES AND WITHIN RIGHT-OF-WAYS DURING TEMPORARY EVENTS AND SPECIAL EVENTS; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Alachua (the "City") desires to encourage economic development, economic growth, and to improve the quality of life for the residents and visitors of the City; and,

WHEREAS, the Subpart A, Chapter 4, of the City Code of Ordinances establishes regulations pertaining to alcoholic beverages; and,

WHEREAS, such regulations pertain to the hours of sale, licensure, and the possession and consumption of alcoholic beverages on public property and within right-of-ways; and,

WHEREAS, the City proposes to amend Subpart B of the City Code of Ordinances, Land Development Regulations ("LDRs"), Section 4.6, Special Events, to provide for the regulation of alcoholic beverages as part of a special event; and,

WHEREAS, the regulations established in Subpart A of the City Code of Ordinances, Chapter 4, Alcoholic Beverages, presently do not address alcoholic beverages as part of a temporary events or special events; and,

WHEREAS, the City finds it to be within its police powers to establish regulations for alcoholic beverages when sold, served, delivered, or consumed during temporary events and special events to ensure the protection of the health, safety, and welfare of the general public; and,

WHEREAS, in order to ensure the regulations established in Subpart A of the City Code of Ordinances, Chapter 4, Alcoholic Beverages, are compatible with the proposed amendments to Subpart B of the City Code of Ordinances, LDRs, Section 4.6, Special Events, the City proposes to amend Subpart A of the City Code of Ordinances, Chapter 4, Alcoholic Beverages (the "Amendment"); and,

WHEREAS, the City advertised public hearings to be held before the City Commission on January 11, 2018, and on February 1, 2018; and

WHEREAS, the City Commission conducted public hearings on the proposed Amendment on January 22, 2018, and February 12, 2018, and provided for public participation at both public hearings; and

WHEREAS, the City Commission has determined and found the Amendment to be consistent with the City's Comprehensive Plan and City's LDRs; and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

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

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this ordinance.

Section 2. Findings of Fact and Conclusions of Law

The authority for the enactment of this ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City's Comprehensive Plan.

Section 3. Amendment to the City Code of Ordinances

The proposed Amendment to the City Code of Ordinances are attached as Exhibit "A" and are hereby incorporated herein by reference.

Section 4. Codification of and Correction of Scrivener's Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this ordinance. A corrected copy shall be posted in the public record.

Section 5. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 6. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 7. Severability

It is the declared intent of the City Commission of the City of Alachua 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 any 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 the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 7. Effective Date

This ordinance shall take effect immediately upon its adoption by the City Commission and the signature of the Mayor.

Passed on First Reading the 22nd day of January 2018.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 12th day of February 2018.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA



Gib Coerper, Mayor

SEAL

ATTEST:


Traci L. Gresham, City Manager/Clerk

APPROVED AS TO FORM


Marian B. Rush, City Attorney

EXHIBIT “A”

Chapter 4 of the City Code of Ordinances is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed). Except as amended herein, the remainder of Chapter 4 remains in full force and effect:

Chapter 4 - ALCOHOLIC BEVERAGES^[1]

Footnotes:

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State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; alcoholic beverages, F.S. chs. 561—568; general authority relative to alcohol, F.S. §§ 562.14(1), 562.45(2).

Sec. 4-1. - Definitions.

The definitions contained in the beverage law of the State are the same definitions of terms as are used in this chapter.

Sec. 4-2. - Hours of sale.

- (a) *Authority.* Pursuant to F.S. § 562.14(1), the City Commission, in this chapter establishes and prescribes the only hours during which alcoholic beverages may be purchased, sold, served, or consumed, or permitted to be served or consumed on premises located within the incorporated area of the City of Alachua and holding an alcoholic beverage license under the laws of Florida.
- (b) *Permitted hours of sale for off-premises consumption.*
- (1) Hours of sale for off-premises consumption of all alcoholic beverages shall only be permitted on Monday through Saturday between hours of 7:00 a.m. and 2:00 a.m. on the following day.
 - (2) Hours of sale for off-premises consumption of all alcoholic beverages shall only be permitted on Sunday between the hours of midnight and 2:00 a.m. and 7:00 a.m. and 11:00 p.m.
- (c) *Prohibited hours of sale for on-premise consumption at business or club.* It shall be unlawful for any person to sell to or to consume or to permit the consumption of any alcoholic beverage on the premises of any business or club open to the public, which business or club is licensed by the State and caters to or allows the on premise consumption of alcoholic beverages, between the hours of 2:00 a.m. and 7:00 a.m. on Tuesday, Wednesday, Thursday, Friday, Saturday or Sunday and between the hours of 11:00 p.m. on Sunday and 7:00 a.m. on the following Monday. However, when December 31 occurs on a Sunday, such sale, consumption or service of alcoholic beverages shall be permitted to continue from 11:00 p.m. of that Sunday until 2:00 a.m. immediately following on Monday. All time is Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect. Within this section, the term "premises" shall mean the physical facilities, improvements, or buildings where the business or club is located and conducted, and any parking lot or other real property available to the business or club. As used herein, the terms "business" and "club" shall mean any place which is open to the public or to which the public is invited.