

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO ALCOHOLIC BEVERAGES AND NIGHTCLUBS; AMENDING CLASSIFICATIONS AND DEFINITIONS; HOURS OF SERVICE, SALE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES; AMENDING CHAPTER 33, SECTIONS 33.02, 33.03, OF THE CODE OF THE CITY OF ORLANDO, FLORIDA; TERMINATING THE TEMPORARY MORATORIUM ON THE OPENING OF NEW AFTERHOURS NIGHTCLUBS AND ON THE EXPANSION OR RELOCATION OF ANY EXISTING AFTERHOURS NIGHTCLUBS; ADDRESSING THE MORATORIUM TASK FORCE; PROVIDING FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to City of Orlando Ordinance 2015-58, the City of Orlando convened a Nightclubs Task Force to study the issues and benefits relating to afterhours nightclubs, including public health, safety, and welfare challenges; economic impacts; and the peace and tranquility of the citizens who live and work near such establishments; and

WHEREAS, the Nightclubs Task Force has met with multiple stakeholders, including bar, club, and restaurant owners and their employees, venue security personnel, residents, and experts in the field of the nightlife economy; and

WHEREAS, the City Council of the City of Orlando, Florida, having the benefit of the Nightclubs Task Force's information and findings of fact, wishes to ensure all businesses that operate with an alcoholic beverage license are treated equitably by specifically including bottle clubs in the provisions regulating the hours of service, sale, and consumption of alcoholic beverages; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION ONE: SECTION 33.02, AMENDED. Section 33.02, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 33.02. – Classifications and Definitions.

The classifications and definitions contained in the Beverage Law are hereby adopted as the classifications and definitions for this Chapter. Additional definitions for this Chapter are set forth as follows:

- (a) Alcoholic beverage establishment. Alcoholic beverage establishment (also sometimes referred to as "establishment") means any establishment that ~~operates for profit and~~ possesses an alcoholic beverage license, including any establishment licensed as a bottle club, as defined in s. 561.01, Fla. Stat., issued by Florida's Department of

- Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, or successor agency.
- (b) Amway Center. Amway Center means the sports and entertainment arena located at 400 W. Church Street in Downtown Orlando.
- (c) Central Florida Fairgrounds. Central Florida Fairgrounds means the approximately 87-acre fairgrounds and exposition park located at 4603 W. Colonial Drive in Orlando.
- (d) Commercial establishment. Commercial establishment means any establishment that operates for pecuniary gain whether or not pecuniary gain is actually achieved.
- (e) Dr. Phillips Center for the Performing Arts. Dr. Phillips Center for Performing Arts means the multi-hall performing arts center located at 445 S. Magnolia Avenue in Downtown Orlando~~across Orange Avenue from Orlando City Hall, primarily on the block bound by South Street, Anderson Street, Rosalind Avenue, and Magnolia Avenue, and also including the appurtenant public plaza located on the block bound by South Street, Anderson Street, Magnolia Avenue, and Orange Avenue.~~
- (f) Dubsdread Golf Course. Dubsdread Golf Course means the public golf course located at 549 W. Par Street in Orlando.
- (g) Camping World Stadium. Camping World Stadium. ~~Florida Citrus Bowl~~ (also sometimes referred to as the "Florida Citrus Bowl" or "Citrus Bowl") means the outdoor sports and entertainment stadium located at 1 Citrus Bowl Place in Downtown Orlando.
- (h) Harry P. Leu Gardens. Harry P. Leu Gardens (also sometimes referred to as "Leu Gardens") means the approximately 50-acre botanical garden located at 1920 N. Forest Avenue in Orlando.
- (i) Heritage Square. Heritage Square means the public park located next to the Orange County Regional History Center at 65 E. Central Boulevard in Downtown Orlando.
- (j) Mayor Bob Carr Performing Arts Centre. Mayor Bob Carr Performing Arts Centre (also sometimes referred to as the "Bob Carr Performing Arts Centre") means the arts and entertainment auditorium located at 401 W. Livingston Street in Downtown Orlando.
- (k) Normal business hours. Normal business hours means those hours during which the establishment may lawfully serve, dispense, permit consumption, or sell alcoholic beverages pursuant to section 33.03 of this Code.
- (l) Orlando International Airport. Orlando International Airport means the major international airport located at 1 Jeff Fuqua Boulevard in Orlando.
- ~~(m) Orlando soccer stadium means the soccer-specific sports stadium located in Downtown Orlando on the block bound by W. Central Boulevard, W. Church Street, S. Terry Avenue, and S. Parramore Avenue.~~
- ~~(n)(m)~~ Premises. Premises means "licensed premises" as defined by the Beverage Law.
- ~~(o)(n)~~ Principal business is the sale, service, or consumption of alcoholic beverages. Principal business is the sale, service, or consumption of alcoholic beverages means an alcoholic beverage establishment business whose gross sales of alcoholic beverages, including entrance fees, cover charges, storage fees, corkage fees, or any similar fees, comprises 51% or more of the total gross sales of food, non-alcoholic beverages, and alcoholic beverages for on-premises consumption during normal business hours as defined in this section.

(p)(o) Prohibited hours. Prohibited hours means those hours during which the establishment may not lawfully serve, dispense, ~~or sell,~~ or permit consumption of alcoholic beverages pursuant to this Chapter.

SECTION TWO: SECTION 33.03, AMENDED. Section 33.03, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 33.03. - Hours of Service, Sale, and Consumption.

Except as otherwise provided in this section, ~~n~~No alcoholic beverages shall be sold, ~~or consumed,~~ or served, or permitted to be served or consumed in any place commercial establishment whose principal business is the sale, service, or consumption of alcoholic beverages; or sold at any other place in any manner between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between the hours of 2:00 a.m. and 9:00 a.m. on Sunday.

Within the meaning of this Chapter, sale shall be regarded as being made if the alcoholic beverage is delivered to any person during prohibited hours regardless of whether payment therefore is made at some other time. If such commercial establishment is a corporation, then the officers of such corporation shall be regarded as the owners thereof for purposes of enforcement of this Chapter. If such commercial establishment is a private club, then the officers of such club shall be regarded as the owners thereof for purposes of enforcement of this Chapter.

1. Any person or corporation which dispenses, sells, or serves alcoholic beverages; or permits alcoholic beverages to be dispensed, sold, served or consumed in the City ~~for consumption~~ on the establishment's licensed premises, and whose principal business ~~during normal business hours~~ is the sale, service, or consumption of alcoholic beverages, shall be closed during the period of time outside of normal business hours, except as provided in subparagraphs 33.03(2), (3), and (4).

Any such commercial establishment shall, at the hour of 2:00 a.m., cause all outside lights on the premises occupied by it to be extinguished and shall cause all entrances and exits to such establishment to be locked, and the entrances and exits shall not be opened during the prohibited hours except to admit the proprietor and his or her employees to enter and to permit the egress of the proprietor, employees and customers or members of such place from the premises. In no instance shall open containers of alcoholic beverages be accessible to customers or members or be permitted to be in the open patronage area of the commercial establishment one-half hour after the time for cessation of alcoholic beverage sales has expired. Customers or members within the establishment shall be required by the proprietor or his or her employees to leave the establishment within one hour after the time for cessation of alcoholic beverage sales has expired. Nothing herein contained shall be construed so as to permit any place to sell, serve, or permit alcoholic beverages to be sold, consumed or served during prohibited hours.

- 139 2. Anything herein to the contrary notwithstanding, establishments located at
140 Orlando International Airport which sell duty-free packaged alcoholic beverages
141 shall be permitted to sell such duty-free packaged alcoholic beverages to outgoing
142 international passengers only, without regard to the hour of the day or the day of
143 the week.
- 144 3. Heritage Square, Leu Gardens, ~~and Orlando Venues facilities to include the~~
145 ~~Amway Center, Camping World Stadium, ~~the Florida Citrus Bowl, Dr. Phillips~~~~
146 ~~Center for the Performing Arts, Tinker Field, ~~the Orlando soccer stadium~~, and the~~
147 ~~Bob Carr Performing Arts Centre, any additional Orlando Venues facilities, and~~
148 events taking place at those facilities, shall be exempt from the provisions of this
149 section.
- 150 4. All facilities under the jurisdiction and supervision of the City Department of
151 Families, Parks and Recreation, and events taking place at such facilities, may be
152 exempted from the provisions of this section by the Families, Parks and
153 Recreation Director, upon such terms and conditions as he or she may impose.
- 154 5. The Central Florida Fairgrounds and the City streets, sidewalks, or alleys, and
155 events taking place at such facility or on such streets, sidewalks or alleys, may be
156 exempted from the provisions of this section by the Chief of Police upon such
157 terms and conditions as he or she may impose; provided, however, that as to
158 streets, sidewalks and alleys, the requirements of subsection 33.06(6) must be
159 met.
- 160 6. Activities sponsored or co-sponsored by a governmental entity which are held on
161 premises where alcoholic beverages are dispensed and whose principal business is
162 the sale of alcoholic beverages may be held outside normal business hours,
163 provided that no alcoholic beverages are sold or dispensed during prohibited
164 hours.
- 165 7. Alcoholic beverages may be sold in any place holding a license from the Florida
166 Department of Business and Professional Regulation, Division of Alcoholic
167 Beverages and Tobacco, Bureau of Licensing, which license permits package sale
168 of alcoholic beverages by the licensee for consumption off the premises of the
169 licensee, but only between the hours of 7:00 a.m. and 2:00 a.m. the following day
170 Monday through Saturday, and between the hours of 9:00 a.m. and 2:00 a.m. the
171 following day, on Sunday.
- 172 8. On January 1, of any year, the hours of operation to sell alcoholic beverages by
173 any establishment licensed to sell alcoholic beverages, and the related
174 requirements of subsection (1), are extended from 2:00 a.m. to 3:00 a.m.
- 175 9. For special events or occasions, Council may extend the hours of alcoholic
176 beverages sales, and the related requirements of subsection 1 of this section, by
177 one additional hour.
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180 **SECTION THREE: TERMINATION OF THE TEMPORARY MORATORIUM.**

181 The temporary moratorium on the opening of new afterhours nightclubs and on the expansion or
182 relocation of any existing afterhours nightclubs, enacted pursuant to Ordinance 2015-58 and
183 extended by Ordinance 2016-40, is hereby terminated.

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SECTION FOUR: MORATORIUM TASK FORCE. The Task Force, enacted pursuant to Ordinance 2015-58 and revisited in Ordinance 2016-40, shall continue its work as a “Staff Panel” pursuant to City of Orlando Policy and Procedure 161.4, expanding its work to look comprehensively at the nighttime economy in the City of Orlando, and report its findings at such time that the Task Force concludes its investigation.

SECTION FIVE: SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION SIX: CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION SEVEN: SCRIVENER’S ERROR. The City Attorney may correct scrivener’s errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION EIGHT. EFFECTIVE DATE. This ordinance takes effect immediately upon final passage.

ADVERTISED on the _____ day of _____, 2016.

READ FIRST TIME on the _____ day of _____, 2016.

READ SECOND TIME AND ADOPTED on the _____ day of _____, 2016.

CITY OF ORLANDO, FLORIDA

Buddy Dyer, Mayor

ATTEST:

Amy Iennaco, Interim City Clerk

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Orlando, Florida, only.

_____, 2016.

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City Attorney/Assistant City Attorney
Orlando, Florida

Print Name