

ORDINANCE NO. 2016-67

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
2 ORLANDO, FLORIDA, RELATING TO ALCOHOLIC
3 BEVERAGES AND NIGHTCLUBS; AMENDING
4 CLASSIFICATIONS AND DEFINITIONS; HOURS OF
5 SERVICE, SALE, AND CONSUMPTION OF ALCOHOLIC
6 BEVERAGES; AMENDING CHAPTER 33, SECTIONS 33.02,
7 33.03, OF THE CODE OF THE CITY OF ORLANDO,
8 FLORIDA; TERMINATING THE TEMPORARY
9 MORATORIUM ON THE OPENING OF NEW AFTERHOURS
10 NIGHTCLUBS AND ON THE EXPANSION OR RELOCATION
11 OF ANY EXISTING AFTERHOURS NIGHTCLUBS;
12 ADDRESSING THE MORATORIUM TASK FORCE;
13 PROVIDING FOR SEVERABILITY, CODIFICATION,
14 CORRECTION OF SCRIVENER'S ERRORS, AND AN
15 EFFECTIVE DATE.
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17 **WHEREAS**, pursuant to City of Orlando Ordinance 2015-58, the City of Orlando
18 convened a Nightclubs Task Force to study the issues and benefits relating to afterhours
19 nightclubs, including public health, safety, and welfare challenges; economic impacts; and the
20 peace and tranquility of the citizens who live and work near such establishments; and
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22 **WHEREAS**, the Nightclubs Task Force has met with multiple stakeholders, including
23 bar, club, and restaurant owners and their employees, venue security personnel, residents, and
24 experts in the field of the nightlife economy; and
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26 **WHEREAS**, the City Council of the City of Orlando, Florida, having the benefit of the
27 Nightclubs Task Force's information and findings of fact, wishes to ensure all businesses that
28 operate with an alcoholic beverage license are treated equitably by specifically including bottle
29 clubs in the provisions regulating the hours of service, sale, and consumption of alcoholic
30 beverages; and
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32 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
33 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**
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35 **SECTION ONE: SECTION 33.02, AMENDED.** Section 33.02, Code of the City of
36 Orlando, Florida, is hereby amended as follows:
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38 **Sec. 33.02. – Classifications and Definitions.**
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40 The classifications and definitions contained in the Beverage Law are hereby adopted as
41 the classifications and definitions for this Chapter. Additional definitions for this Chapter are set
42 forth as follows:

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

- 47 Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco,
48 Bureau of Licensing, or successor agency.
- 49 (b) Amway Center. Amway Center means the sports and entertainment arena located at
50 400 W. Church Street in Downtown Orlando.
- 51 (c) Central Florida Fairgrounds. Central Florida Fairgrounds means the approximately
52 87-acre fairgrounds and exposition park located at 4603 W. Colonial Drive in
53 Orlando.
- 54 (d) Commercial establishment. Commercial establishment means any establishment that
55 operates for pecuniary gain whether or not pecuniary gain is actually achieved.
- 56 (e) Dr. Phillips Center for the Performing Arts. Dr. Phillips Center for Performing Arts
57 means the multi-hall performing arts center located at 445 S. Magnolia Avenue in
58 Downtown Orlando~~across Orange Avenue from Orlando City Hall, primarily on the~~
59 ~~block bound by South Street, Anderson Street, Rosalind Avenue, and Magnolia~~
60 ~~Avenue, and also including the appurtenant public plaza located on the block bound~~
61 ~~by South Street, Anderson Street, Magnolia Avenue, and Orange Avenue.~~
- 62 (f) Dubsdread Golf Course. Dubsdread Golf Course means the public golf course located
63 at 549 W. Par Street in Orlando.
- 64 (g) Camping World Stadium. Camping World Stadium. ~~Florida Citrus Bowl~~ (also
65 sometimes referred to as the "Florida Citrus Bowl" or "Citrus Bowl") means the
66 outdoor sports and entertainment stadium located at 1 Citrus Bowl Place in
67 Downtown Orlando.
- 68 (h) Harry P. Leu Gardens. Harry P. Leu Gardens (also sometimes referred to as "Leu
69 Gardens") means the approximately 50-acre botanical garden located at 1920 N.
70 Forest Avenue in Orlando.
- 71 (i) Heritage Square. Heritage Square means the public park located next to the Orange
72 County Regional History Center at 65 E. Central Boulevard in Downtown Orlando.
- 73 (j) Mayor Bob Carr Performing Arts Centre. Mayor Bob Carr Performing Arts Centre
74 (also sometimes referred to as the "Bob Carr Performing Arts Centre") means the arts
75 and entertainment auditorium located at 401 W. Livingston Street in Downtown
76 Orlando.
- 77 (k) Normal business hours. Normal business hours means those hours during which the
78 establishment may lawfully serve, dispense, permit consumption, or sell alcoholic
79 beverages pursuant to section 33.03 of this Code.
- 80 (l) Orlando International Airport. Orlando International Airport means the major
81 international airport located at 1 Jeff Fuqua Boulevard in Orlando.
- 82 ~~(m) Orlando soccer stadium means the soccer-specific sports stadium located in~~
83 ~~Downtown Orlando on the block bound by W. Central Boulevard, W. Church Street,~~
84 ~~S. Terry Avenue, and S. Parramore Avenue.~~
- 85 ~~(n)(m)~~ Premises. Premises means "licensed premises" as defined by the Beverage Law.
- 86 ~~(o)(n)~~ Principal business is the sale, service, or consumption of alcoholic beverages.
87 Principal business is the sale, service, or consumption of alcoholic beverages means
88 an alcoholic beverage establishment business whose gross sales of alcoholic
89 beverages, including entrance fees, cover charges, storage fees, corkage fees, or any
90 similar fees, comprises 51% or more of the total gross sales of food, non-alcoholic
91 beverages, and alcoholic beverages for on-premises consumption during normal
92 business hours as defined in this section.

93 ~~(p)(o)~~ Prohibited hours. Prohibited hours means those hours during which the establishment
94 may not lawfully serve, dispense, ~~or~~ sell, or permit consumption of alcoholic
95 beverages pursuant to this Chapter.
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97 **SECTION TWO: SECTION 33.03, AMENDED.** Section 33.03, Code of the City of
98 Orlando, Florida, is hereby amended as follows:
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100 **Sec. 33.03. - Hours of Service, Sale, and Consumption.**
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102 Except as otherwise provided in this section, n~~No~~ alcoholic beverages shall be sold, ~~or~~
103 consumed, or served, or permitted to be served or consumed in any place commercial
104 establishment whose principal business is the sale, service, or consumption of alcoholic
105 beverages; or sold at any other place in any manner between the hours of 2:00 a.m. and 7:00
106 a.m., Monday through Saturday, and between the hours of 2:00 a.m. and 9:00 a.m. on Sunday.
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108 Within the meaning of this Chapter, sale shall be regarded as being made if the alcoholic
109 beverage is delivered to any person during prohibited hours regardless of whether payment
110 therefore is made at some other time. If such commercial establishment is a corporation, then the
111 officers of such corporation shall be regarded as the owners thereof for purposes of enforcement
112 of this Chapter. If such commercial establishment is a private club, then the officers of such club
113 shall be regarded as the owners thereof for purposes of enforcement of this Chapter.
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- 115 1. Any person or corporation which dispenses, sells, or serves alcoholic
116 beverages; or permits alcoholic beverages to be dispensed, sold, served or
117 consumed in the City ~~for consumption~~ on the establishment's licensed
118 premises, and whose principal business ~~during normal business hours~~ is the
119 sale, service, or consumption of alcoholic beverages, shall be closed during
120 the period of time outside of normal business hours, except as provided in
121 subparagraphs 33.03(2), (3), and (4).
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123 Any such commercial establishment shall, at the hour of 2:00 a.m., cause all
124 outside lights on the premises occupied by it to be extinguished and shall
125 cause all entrances and exits to such establishment to be locked, and the
126 entrances and exits shall not be opened during the prohibited hours except to
127 admit the proprietor and his or her employees to enter and to permit the egress
128 of the proprietor, employees and customers or members of such place from
129 the premises. In no instance shall open containers of alcoholic beverages be
130 accessible to customers or members or be permitted to be in the open
131 patronage area of the commercial establishment one-half hour after the time
132 for cessation of alcoholic beverage sales has expired. Customers or members
133 within the establishment shall be required by the proprietor or his or her
134 employees to leave the establishment within one hour after the time for
135 cessation of alcoholic beverage sales has expired. Nothing herein contained
136 shall be construed so as to permit any place to sell, serve, or permit alcoholic
137 beverages to be sold, consumed or served during prohibited hours.
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2. Anything herein to the contrary notwithstanding, establishments located at Orlando International Airport which sell duty-free packaged alcoholic beverages shall be permitted to sell such duty-free packaged alcoholic beverages to outgoing international passengers only, without regard to the hour of the day or the day of the week.
 3. Heritage Square, Leu Gardens, ~~and Orlando Venues facilities to include the Amway Center, Camping World Stadium, ~~the Florida Citrus Bowl, Dr. Phillips Center for the Performing Arts, Tinker Field, the Orlando soccer stadium,~~ and the Bob Carr Performing Arts Centre, any additional Orlando Venues facilities, and events taking place at those facilities, shall be exempt from the provisions of this section.~~
 4. All facilities under the jurisdiction and supervision of the City Department of Families, Parks and Recreation, and events taking place at such facilities, may be exempted from the provisions of this section by the Families, Parks and Recreation Director, upon such terms and conditions as he or she may impose.
 5. The Central Florida Fairgrounds and the City streets, sidewalks, or alleys, and events taking place at such facility or on such streets, sidewalks or alleys, may be exempted from the provisions of this section by the Chief of Police upon such terms and conditions as he or she may impose; provided, however, that as to streets, sidewalks and alleys, the requirements of subsection 33.06(6) must be met.
 6. Activities sponsored or co-sponsored by a governmental entity which are held on premises where alcoholic beverages are dispensed and whose principal business is the sale of alcoholic beverages may be held outside normal business hours, provided that no alcoholic beverages are sold or dispensed during prohibited hours.
 7. Alcoholic beverages may be sold in any place holding a license from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, which license permits package sale of alcoholic beverages by the licensee for consumption off the premises of the licensee, but only between the hours of 7:00 a.m. and 2:00 a.m. the following day Monday through Saturday, and between the hours of 9:00 a.m. and 2:00 a.m. the following day, on Sunday.
 8. On January 1, of any year, the hours of operation to sell alcoholic beverages by any establishment licensed to sell alcoholic beverages, and the related requirements of subsection (1), are extended from 2:00 a.m. to 3:00 a.m.
 9. For special events or occasions, Council may extend the hours of alcoholic beverages sales, and the related requirements of subsection 1 of this section, by one additional hour.

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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City Attorney/Assistant City Attorney
Orlando, Florida

Print Name