

CHAPTER 115. - ALCOHOLIC BEVERAGE ESTABLISHMENTS

Footnotes:

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Cross reference— *Business licenses and regulations, tit. 6; alcoholic beverages generally, ch. 63; alcoholic beverage sales in restaurants, § 250.01.*

Sec. 115.01. - Definitions.

As used in this chapter:

Alcoholic beverages shall mean all beverages containing more than one percent alcohol by weight.

Establishment dealing in alcoholic beverages shall mean any business or commercial establishment, whether open to the public at large or where entrance is limited by a cover charge or membership requirement, including those licensed by the state for sale and/or service of alcoholic beverages, and any bottle club; any establishment operated like a bottle club without being called or classed as a bottle club; a hotel; a motel; a restaurant; a night club; a country club; a cabaret; a meeting facility utilized by any religious, social, fraternal, or similar organization; or a business or commercial establishment where a product or article is sold, dispensed, served, or provided with the knowledge, actual or implied, that the same will be or is intended to be mixed, combined with or drunk in connection or combination with an alcoholic beverage served or bought on the premises; or business or commercial establishment where the consumption of alcoholic beverages is permitted, whether bought on the premises or brought onto the premises and thereafter consumed. That portion of a facility designed and equipped as a dwelling unit which is actually being used as a permanent, temporary, or transient private residence, including, but not limited to, houses, apartments, condominiums, hotel and motel rooms, dormitories, and boardinghouses, is not a establishment dealing in alcoholic beverages. This definition shall not be construed or interpreted to apply to any establishment except those where alcoholic beverages, as defined herein, are sold, dispensed, consumed, or possessed on the premises, or permitted to be brought on the premises for consumption.

(Ord. No. 91-5, § 1, 4-9-91)

Cross reference— Definitions and rules of construction generally, § 10.02.

Sec. 115.02. - Findings; intent of chapter.

It is hereby found by the board of county commissioners, acting in its legislative capacity for the purpose of regulating alcoholic beverage establishments, as authorized pursuant to the 21st Amendment, that, considering what has happened in other communities, the acts prohibited in section 115.03 below encourage or create the potential for the conduct of prostitution, attempted rape, rape, and assault in and

around establishments dealing in alcoholic beverages; that actual and simulated nudity and sexual conduct and the depiction thereof, coupled with alcohol, in public places begets and has the potential for begetting undesirable behavior; that sexual, lewd, lascivious, and salacious conduct among patrons and employees within establishments dealing in alcoholic beverages results in violation of law and creates dangers to the health, safety, morals, and welfare of the public and those who engage in such conduct; and it is the intent of this chapter to prohibit nudity, gross sexuality, and the simulation and depiction thereof in establishments dealing in alcoholic beverages.

(Ord. No. 91-5, § 1, 4-9-91)

Sec. 115.03. - Nudity and sexual conduct prohibited.

Within existing or newly created establishments dealing in alcoholic beverages:

- (a) No person shall expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or buttocks, or any simulation thereof.
- (b) No female person shall expose to public view any portion of her breasts directly or laterally below the top of the areola, or any simulation thereof.
- (c) No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or any portion of the buttocks or simulation thereof. Within this paragraph and section, the term "buttocks" shall mean the area at the rear of the body which lies between two imaginary lines running parallel to the ground when a person is standing, the first or top such line drawn at the top of the cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom line drawn at the lowest visible point of this cleavage or the lowest point of the curvature of the fleshy protuberance, whichever is lower, and between two imaginary lines on each side of the body, which lines are perpendicular to the ground and to the horizontal lines described above, and which perpendicular lines are drawn through the point at which each nate meets the outer side of each leg. This section would be violated, therefore, if any portion of this area is visible from any vantage point.
- (d) No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to expose to public view any portion of her breasts, directly or laterally, below the top of the areola, or any simulation thereof.
- (e) No person shall engage in and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, and sexual act which is prohibited by law, touching, caressing, or fondling of the breasts, buttocks, anus, or genitals, or the simulation thereof.

- (f) No person shall cause and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or images by the projection of film or video images on a television or a monitor, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts directly or laterally below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing, or fondling of the breasts, buttocks, anus, or genitals, or any simulation thereof. This subsection shall not be construed to prohibit the showing of movies, tapes, or video cassettes that contain a movie industry rating of "R" or "PG-13."

(Ord. No. 91-5, § 1, 4-9-91)

Sec. 115.04. - Penalty.

Any person violating this chapter shall be guilty of a misdemeanor and, in addition to any other penalty provided herein, shall be subject to the penalty set forth in F.S. § 125.69(1).

(Ord. No. 91-5, § 1, 4-9-91)

Sec. 115.05. - Enforcement.

This Chapter may be enforced in accordance with F.S. Ch. 162, as amended from time to time, and Chapter 24, Alachua County Code, as amended from time to time.

(Ord. No. 91-5, § 1, 4-9-91; Ord. No. 2020-22, § 21, 10-13-20)

Editor's note— Ord. No. 2020-22, § 21, adopted October 13, 2020, changed the title from "Enforcement by codes enforcement board" to "Enforcement."

Sec. 115.06. - Injunctive relief.

In addition to the enforcement procedures provided for herein, alcoholic beverage establishments not in conformity with these requirements shall be subject to the appropriate civil action in the court of appropriate jurisdiction for abatement. Each day that any such violation is committed shall constitute a separate offense.

(Ord. No. 91-5, § 1, 4-9-91)

Sec. 115.07. - Territorial jurisdiction.

All territory within the legal boundaries of unincorporated Alachua County and the territories within the legal boundaries of the City of Archer, the City of Gainesville, the City of Hawthorne, the City of High Springs, the Town of Micanopy, and the City of Waldo shall be embraced by the provisions of this chapter.

(Ord. No. 91-5, § 2, 4-9-91)