

CHAPTER 63. - ALCOHOLIC BEVERAGES

Footnotes:

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Cross reference— *Nudity or sexual conduct in alcoholic beverage establishments, ch. 115; alcoholic beverage sales in restaurants, § 250.01.*

State Law reference— *Beverage Law, F.S. ch. 561 et seq.*

ARTICLE I. - GENERALLY

Sec. 63.01. - Places of consumption or possession—Restrictions.

- (a) No person may consume or have in his or her possession any alcoholic beverage in any open container on any public street, thoroughfare, sidewalk, except in a licensed sidewalk cafe, or on any public or semi-public parking facility in the unincorporated area of the county, except as otherwise provided for in this section. The term "semi-public parking facility" shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, or multifamily residential buildings. Violations of this paragraph shall be punishable as provided in Section 10.08 of the Alachua County Code.
- (b) Nothing in this section shall be construed to prohibit consumption or possession of alcohol in open containers in non-residential areas within a mixed-use planned development, the village center of a transit oriented development, or the village center of a traditional neighborhood development if the area has been designated as an open container area in a planned development zoning master plan or preliminary development plan approved by the board of county commissioners.
- (c) To allow for the open consumption or possession of alcohol in designated open container areas, the owner of an open container area shall ensure the following:
 - (1) The alcoholic beverages in the designated open container area shall only be served by businesses that are located within the designated open container area and possess all required licenses or permits for serving alcohol; and
 - (2) Signage shall be placed at every ingress and egress of the designated open container area advising the public of the open container area boundaries and informing the public that open containers of alcohol are not allowed beyond those boundaries.
- (d) In addition to the prohibition contained in subsection (a), no person shall consume or have in his possession any alcoholic beverage in an open container on any other privately owned property, except as a lawful guest and with the consent of the owner or person in charge of such privately

owned property.

(Ord. No. 85-6, § 1, 7-2-85; Ord. No. 2017-01, § 1, 4-25-17)

Cross reference— Vehicles and traffic, ch. 51.

Sec. 63.02. - Same—Applicability.

Section 63.01 shall apply only in the unincorporated area of the county.

(Ord. No. 85-6, § 3, 7-2-85)

Sec. 63.03. - Additional club licenses—Authorized.

The quota of beverage licenses to be issued under the authority of F.S. § 565.02(4) and F.S. § 561.20(7), such licenses being known as club licenses, shall be increased to include any chartered or incorporated riding horse association owning and maintaining a club, stabling, and show facilities consisting of at least 40 acres of land owned by such riding horse association. Any such association may be issued a license under F.S. § 565.02(4).

(Laws of Fla., ch. 67-1035, § 1; Laws of Fla., ch. 71-29, § 2)

Sec. 63.04. - Same—Distribution.

The additional licenses provided for in section 63.03 shall be distributed to riding horse associations chartered or incorporated by orders of the circuit judges as provided in F.S. § 565.02(4), or the office of the Secretary of State of Florida. The recipients of such additional licenses must have been in existence prior to May 1, 1947.

(Laws of Fla., ch. 67-1035, § 2; Laws of Fla., ch. 71-29, § 2)

ARTICLE II. - SALES

Footnotes:

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Editor's note— Ord. No. 2012-02, § 1, adopted Jan. 24, 2012, amended former Art. II, §§ 63.20—63.24, in its entirety to read as herein set out. Former Art. II pertained to the same subject matter and derived from the Code of 1976 and the following: Ord. No. 85-5, §§ 1, 4, 7-2-85; Ord. No. 95-17, § 1, 12-12-95.

Cross reference— Zoning, tit. 39.

Sec. 63.20. - Definitions.

The definitions contained in the alcoholic beverage laws of the State of Florida, as set forth in Chapters 561, 562, and 564, Florida Statutes, shall apply to the terms in this chapter.

(Ord. No. 2012-02, § 1, 1-24-12)

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

State Law reference— "Sale" defined, F.S. § 561.01(9).

Sec. 63.21. - Authority; applicability.

Pursuant to F.S. § 562.14(1), the board of county commissioners, 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, at establishments located within the unincorporated areas of the county and holding a beverage license under the laws of Florida.

(Ord. No. 2012-02, § 1, 1-24-12)

Sec. 63.22. - Permitted hours of sale for off-premises consumption—Malt beverages; unfortified wine.

Packaged sales for off-premises consumption of malt beverages and unfortified wine shall be permitted on all days between the hours of 7:00 a.m. and 2:00 a.m. on the following day.

(Ord. No. 2012-02, § 1, 1-24-12)

State Law reference— Definitions relating to malt beverages and wine, F.S. §§ 563.01, 564.01.

Sec. 63.23. - Same—Other beverages.

Packaged sales for off-premises consumption of all alcoholic beverages except malt beverages and unfortified wine shall be permitted on all days between the hours of 7:00 a.m. and 11:00 p.m.

(Ord. No. 2012-02, § 1, 1-24-12)

State Law reference— Definitions relating to fortified wine and liquor, F.S. §§ 564.01, 565.01.

Sec. 63.24. - Permitted hours of sale for 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 caters to or allows the consumption of alcoholic beverages, between the hours of 2:00 a.m. and 7:00 a.m. immediately following on Tuesday, Wednesday, Thursday, Friday, or Saturday; or between the hours of 2:00 a.m. and 1:00 p.m. on Sunday; or between the hours of 11:00 p.m. on Sunday and 7:00 a.m. on all days. 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. The provisions of this section shall apply whether or not such premises hold a valid beverage license.

(Ord. No. 2012-02, § 1, 1-24-12)