

PROPOSED  
ORDINANCE NO. 15-19

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 7-4-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE HOURS OF OPERATION FOR BOTTLE CLUBS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pensacola (“City”) currently permits bottle club establishments in the City to remain open as set forth in City Code Section 7-4-2(c) “Hours of Operation” on Monday through Sunday between the hours of 10:00 p.m. and 5:00 a.m.; and

WHEREAS, the sale of alcoholic beverages at other social establishments such as saloons, barrooms, cocktail lounges, clubs or other places where alcoholic beverages are sold as set forth in City Code Section 7-4-2(b) is Monday through Sunday between the hours of 7:00 a.m. and 3:00 a.m. There are exceptions to those establishments such as grocery stores, restaurants and eating places, which ordinarily sell such beverages, as long as such beverages are not permitted to be sold or consumed during the prohibited hours; and

WHEREAS, Bottle clubs are defined in Florida Statute 561.01 and have been adopted to have the same meaning in the City Code Section 7-4-1:

“Bottle club” means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held, bona fide restaurants licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation whose primary business is the service of full course meals, or hotels and motels licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

WHEREAS, there is a correlation between the sale, distribution and consumption of alcohol during the early morning hours and an influx of crime, noise and disturbances in areas where large groups of persons gather and alcohol is consumed such as occurs at bottle clubs; and

WHEREAS, the City desires to implement reasonable measures to discourage gangs and gang members from entering and meeting within the City, hereby lessening the occasions and opportunities for gangs and gang members to engage in criminal behavior within the City; and

WHEREAS, a reduction in criminal activity and disturbances in areas surrounding a bottle club which draws a large number of persons after the close of other commercial businesses will reduce the amount of law enforcement manpower required in those areas during that time and permit more officers to be available for responses to other criminal activity and increase the ability to conduct more proactive law enforcement activities; and

WHEREAS, the City of Pensacola has enhanced police power over alcoholic beverages pursuant to the Twenty-First Amendment to the United States Constitution and, in enacting the provisions of this Chapter, the Council is exercising the full strength of that Twenty-First Amendment power; and

WHEREAS, the City desires to protect public welfare and reduce criminal behavior and disturbances that occur during the extended early morning hours; and

WHEREAS, the City of Pensacola has determined that it is in the public interest to adopt the proposed amendments to the hours of operation for bottle clubs;

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

SECTION 1. Section 7-4-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

**Sec. 7-4-2 - Hours of operation.**

(a) Alcoholic beverages may be sold only on Monday through Sunday, between the hours of 7:00 a.m. and 3:00 a.m. of the following day.

(b) No saloon, barroom, cocktail lounge, club or other place where alcoholic beverages are ordinarily sold, shall remain open during such prohibited hours of sale; provided, however the provisions of this section shall not be construed as prohibiting grocery stores, restaurants or eating places, which ordinarily sell such beverages, from remaining open during the prohibited hours, so long as such beverages are not sold or permitted to be consumed upon the premises of such places during such hours.

(c) Bottle clubs may be permitted to operate on Monday through Sunday only between the hours of 10:00 p.m. and 3:00 a.m. ~~5:00 a.m.~~ of the following day. Subsections (a) and (b) of this section shall not apply to bottle clubs.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given

effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_

President of City Council

Attest:

\_\_\_\_\_  
City Clerk