

ORDINANCE NO. 979

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHIPLEY, FLORIDA AMENDING CHAPTER 10, ARTICLE III OF THE CODE OF ORDINANCES TO ESTABLISH A DOWNTOWN ENTERTAINMENT DISTRICT; PROVIDING FOR A LEGAL DESCRIPTION OF THE DISTRICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES FOR OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE DISTRICT; PROVIDING FOR PERMITTING FOR SPECIAL EVENTS; PROVIDING FOR EMERGENCY SERVICES REQUIREMENTS FOR PERMITTED SPECIAL EVENTS; PROVIDING FOR HOURS OF MUSIC AND ENTERTAINMENT; AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, TO PROVIDE CERTAIN EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the City Council of the City of Chipley is vested with the authority to adopt this Ordinance; and

WHEREAS, the concept of local sustainability and a desire for an economically healthy Downtown has inspired the City to search for programs to attract more visitors to the area to ensure the long-term viability of the City's Downtown business area; and

WHEREAS, many communities around the country have been exploring the allowance of outside alcoholic beverage consumption as an engine for downtown revitalization; and

WHEREAS, the City Council desires to improve walkability between businesses and downtown events where customers stay in the area longer and move from business to business; and

WHEREAS, the City Council desires to increase activity within the new Entertainment District to promote district-wide and site-specific events; and

WHEREAS, the City Council desires to foster a mutually beneficial relationship among downtown merchants; and

WHEREAS, the City Council encourages private development of entertainment facilities which will enhance and complement the use of existing public facilities; and

WHEREAS, the City Council proposed the creation of an Entertainment District; and

WHEREAS, the City Council finds that this Ordinance is consistent with the Comprehensive Plan of the City of Chipley; and

WHEREAS, the City Council finds that the adoption of this Ordinance will be in the best interest of the citizens of the City of Chipley.

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

Section 1. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-24, as follows (additions are shown by underline and deletions are shown by strikethrough) to add authorizing provisions regarding the purpose and intent of the article:

Sec. 10-24. Purpose.

The purpose of this article is to encourage the location of entertainment, retail and restaurant uses within a limited defined area of the city hereafter referred to as the entertainment district. The regulations within this article create an opportunity to offer a variety of amenities to the public in a convenient physical location that will promote pedestrian use with an attendant decrease in vehicular traffic, provide for more efficient and effective public safety enforcement in a defined area, foster a mutual relationship among downtown merchants and property owners, and encourage private development of entertainment facilities which enhance and complement the use of the public facilities.

Section 2. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-25, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for district boundaries:

Sec. 10-25. District boundaries.

The Entertainment District shall mean an area described in the attached Exhibit "A" of this ordinance and shall be generally described as the area depicted on the aerial map attached to this ordinance as Exhibit "B."

Section 3. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-26, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for definitions:

Sec. 10-26. Definitions.

As used in this division, the term:

Alcoholic Beverages means beer, wine, and liquor, or any beverage containing any of the foregoing.

Approved Container means a clear plastic cup containing the City's approved design; for the consumption of alcoholic beverages within the boundaries of the District. Such open container may not exceed sixteen (16) fluid ounces in size.

District means the Entertainment District as set forth in section 10-25.

Event means all events held for the purpose of attracting an influx of visitors that occur one time and/or re-occur within the District that are outside the normal day-to-day business operation of the entities within the District.

Outside means all sidewalks, streets, alleyways, and designated street crossing paths within the District.

Registered Establishment means a State-licensed alcoholic beverage dispensing establishment within the District who registered with the City to serve alcoholic beverages for outside consumption.

Section 4. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-27, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for regulations for Outside Consumption within the District:

Sec. 10-27. Outside consumption in the District.

District possession/consumption hours. Possession/consumption of any alcoholic beverages dispensed or sold by a registered establishment is authorized within the boundaries of the District, Mondays to Saturdays, from 11am to 11 pm. Extended hours of consumption for city or city-sponsored events may be granted with prior approval by the City Administrator and/or designee.

Outside drink limit. Any registered establishment licensed to dispense or sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in an approved container for removal from the premises, as specified in this article. No establishment shall dispense to any person, under the legal age of alcohol drinking, as provided by law, more than one such alcoholic beverage at a time for removal from the premises. No person shall remove at one time more than one such alcoholic beverages from the licensed premises.

Drinking from a bottle, aluminum, or glass container is prohibited. It shall be unlawful for any person to drink alcoholic beverages from an unapproved container, or to possess in an open aluminum or glass container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether private or public, except as authorized and approved as outdoor dining.

Entertainment District Event Permit shall be required for events in the Entertainment District as required and approved by the City. Events are those as set forth under Sec. 10-28. Outside consumption shall be permitted as stated in these regulations for those events.

Section 5. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-28, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for Permitting for District Events.

Sec. 10-28. Entertainment District Event Permit.

- a) All events held within the District require an Entertainment District Event Permit in accordance with the provisions of this article, unless expressly exempted. No event organizer required by this article to obtain an

Entertainment District Event Permit shall advertise, engage in, participate in, aid, form, or start any special event prior to obtaining an Entertainment District Event Permit from the City of Chipley.

- b) The organizers of any re-occurring events are to renew permitting documentation upon passage of a calendar year since the date of the initial permit approval or once twelve (12) re-occurrences of the event have taken place, whichever comes first.
- c) The City Administrator or his/her designee shall review the application and provide approval or denial. City Departments have the opportunity to comment on the application and provide their recommendation to the City Administrator or his/her designee.
- d) The City of Chipley, including all Departments within, is exempt from the Entertainment District Event Permit process.
- e) The issuance of an Entertainment District Event Permit by the City of Chipley shall not relieve any person from the duty to secure any other permits or approvals as may be required by the City's Code of Ordinances to include, but not be limited to, a Business Tax Receipt, street closure authorization, or other permits/authorizations.
- f) Filing period. A complete application with all required documents for a special event permit shall be filed with the City Administrator or his/her designee not more than 180 days before, and not less than 45 calendar days before the date and time at which it is proposed to commence the event. The City Administrator may waive the minimum 45-day filing period and accept an application filed within a shorter period if the City of Chipley or designee determines that such waiver will not present a hazard to the public safety because of the reduced amount of time available to fully process the application after due consideration of the date, time, place, and nature of the event, the anticipated number of participants, and the necessity for the amount of City services that will be required in connection therewith.
- g) Contents. The application shall, at a minimum, state the following:
 - a. The name of the event organizer, sponsor, or responsible person or entity.
 - b. The mailing address, email address, and telephone number of the event organizer, sponsor, or responsible person or entity.
 - c. The name, address, and telephone number of the headquarters of an organization and of the authorized and responsible heads of such organization if the event is to be conducted for, on behalf of, or by such organization.
 - d. The specific location(s) of the proposed event.
 - e. The date of the event and the hours of operation.
 - f. The approximate number of spectators and/or participants present or participating in the event.

- g. A designation of any public facilities or equipment proposed to be utilized.
- h. State permit if state roadway is to be used.
- i. Proof of general liability insurance, with the City of Chipley named as an additional insured if the event is held on public or city-owned property.
- j. A security plan with the name of the company providing staffing, including certified crowd managers (if applicable), for the event. A predetermined manpower allocation table shall be used as a guideline in order to determine how many officers with arrest powers will be assigned to the event (if any). The chief of police or designee may adjust the requirement of officers with arrest powers as he/she determines necessary.
- k. A site plan, which shall show at a minimum the following:
 - i. The dimensions and locations of all permanent and proposed temporary structures to be located on the property. Should any temporary structures be required for the event, the applicants will be responsible for obtaining all necessary building permits and meeting all requirements of applicable building and fire codes;
 - ii. Ingress and egress locations; access to the site must not impede normal traffic flow on adjacent roadways;
 - iii. The capacity and location of restroom facilities (either permanent or temporary) sufficient to meet the anticipated demand at the event;
 - iv. Adequate provision for solid waste collection and disposal;
 - v. A parking plan with all on-site and overflow parking (if necessary) and proposed traffic flow, in addition to any necessary traffic control devices at the special event location.
- l. A certificate of good standing certifying that the event organizer is authorized to do business in Florida if the event organizer is a corporation or limited liability company or some other business entity required to be registered with the department of state.
- m. Copies of all fliers, handbills, newspaper advertisements and other advertising that the event organizer anticipates using to promote or advertise the special event.
- n. Written proof of permission from the owner of the regulated property for the use of said property by the event organizer for the special event. The owner shall be required to sign the application and agree to any conditions placed on the special event by the city. If the owner of the property is the city or the property is public property, this term shall not be required.

- o. Copies of all required federal, state and local business or regulatory licenses required to be held by the event organizer.
- p. Any other documentation or information that city staff or the city council determines to be reasonably necessary to properly evaluate the application.
- h) Fees. A non-refundable application fee as approved by resolution of the City Council shall be paid to the City of Chipley at the time the application is filed. Any changes to the original permit application are subject to a new application process and its payment of its associated fees as established herein.

Section 6. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-29, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for police, fire, and emergency medical services review.

Sec. 10-29. Police, Fire, and Emergency Medical Services.

(a) Police. During the permit review process, the Chief of Police or his/her designee shall determine whether and to what extent additional police protection reasonably will be required for the event for purposes of traffic, crowd control, and security. If additional police protection for the event is deemed necessary by the Chief of Police or his/her designee, he/she shall so inform the applicant for the permit. The applicant then shall have the duty to secure police protection acceptable to the Chief of Police or his/her designee at the sole expense of the applicant and shall prepay the expenses of such protection as required. The Chief of Police or his/her designee shall consider what additional manpower, equipment and supplies are needed, as well as any other items or expenses which will be necessary.

(b) Fire and Emergency Medical Services. During the review process, the Fire Chief, the Fire Marshal, or their designee shall determine the need for on-site fire watch, crowd managers or emergency medical personnel. The Fire Marshal or his/her designee shall consider such factors as the location, number of anticipated participants and spectators, and type of event, including the application of appropriate codes and ordinances. If fire watch, crowd managers and/or emergency medical personnel for the event are deemed necessary by the Fire Chief or Fire Marshal, he/she shall so inform the applicant who shall have the responsibility to secure fire watch/emergency medical personnel/crowd managers reasonably acceptable to the Fire Chief and/or Fire Marshal or their designee at the sole expense of the applicant and shall prepay the expenses of such protection. Only state-certified licensed professional fire/emergency medical personnel shall be used for this purpose, preferably City of Chipley Fire Department employees and equipment. The conduct of the event shall not introduce extraordinary hazards to fire protection and/or life safety in the immediate or adjacent areas.

Section 7. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-30, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for restrictions on hours for music and entertainment.

Sec. 10-31. Hours for music and entertainment.

Music, singing, and/or other forms of entertainment, whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the district. Outdoor music, singing and entertainment shall be permitted until 12:00 am, providing compliance with the City's Noise Ordinance (section 22-6), unless otherwise permitted by way of an Entertainment District Event Permit.

Section 8. Chapter 10 of the Code of the City of Chipley is hereby amended, to provide for the addition of Section 10-31, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for temporary street closures.

Sec. 10-31. Temporary street closures.

Authorized temporary street closures in the district area will be limited to city events, city-sponsored events, or city-approved events, as authorized by the City Administrator or his/her designee.

Section 9. Chapter 4 of the Code of the City of Chipley is hereby amended, to provide for the changes of Section 4-2, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for exemptions from Prohibitions.

Sec. 4-2. Prohibitions.

Except within the Entertainment District as authorized in Chapter 10, it shall be unlawful for any person to publicly consume any alcoholic beverage within a radius of 100 feet of any package store, food store, or any other place of business which sells alcoholic beverages, unless being consumed within the privacy of any home. No vendor, bottle club, or private club shall sell, furnish or deliver, or permit any person in the vendor's, bottle club's or private club's employ to sell, furnish or deliver, or allow the consumption on the premises of any alcoholic beverages in any quantity to or by any person who is intoxicated.

Section 10. Chapter 4 of the Code of the City of Chipley is hereby amended, to provide for the changes of Section 4-31, as follows (additions are shown by underline and deletions are shown by strikethrough) to provide for exemptions from Loitering.

Except within the Entertainment District as authorized in Chapter 10, nNo person shall loaf or loiter in or near any establishment where alcoholic beverages are sold or dispensed. No proprietor of any such establishment shall permit any person to

loaf or loiter in or near such establishment. Any person that violates any provision of this chapter shall be punished as provided in section 1-9.

Section 11. Severability. It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 12. Conflicts. This action supersedes all codes and ordinances of the City, or parts of, in conflict with this ordinance, to the extent of the conflict. The provisions of the Code of Ordinances of the City of Chipley shall be amended to include the foregoing, with the Chapter and Section number as indicated above.

Section 13. Effective Date. This ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED on first reading in the City Council on November 14, 2023.

PASSED after second reading by the City Council on December 12, 2023.

CITY OF CHIPLEY, FLORIDA

ATTEST:

By its Mayor, Tracy Andrews

By the City Clerk, Patrice Tanner

APPROVED AS TO FORM:

Michelle Blankenship Jordan
City Attorney

