

ORDINANCE NO. 1616 (#23 - 2019)

AN ORDINANCE AMENDING JMC 14.08.050 (E) REGARDING PARKS & RECREATION REGULATIONS FOR ~~PARKS'~~ FACILITIES WITHIN THE CITY OF JACKSONVILLE; AND, FOR OTHER PURPOSES.

WHEREAS, Little Rock Air Force Base has requested space at certain Parks & Recreation locations to hold banquets and events related to Thunder Over the Rock; and,

WHEREAS, to properly provide appropriate regulations and address the request, the City Council has determined that updating provisions of the Parks & Recreation Code are required to enhance the opportunity presented to the City of Jacksonville and to foster our community's relationship with the Air Force Base.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: JMC § 14.08.050 (E) (USE OF OR POSSESSION OF ALCOHOL BEVERAGES) shall be amended and include the following:

JMC § 14.08.050 Prohibited Acts.

Use of or Possession of Alcohol Beverages. Except as specifically allowed by this section, it shall be unlawful for any person to sell, distribute, consume or possess any alcoholic beverage in any open container within a City Park. Any person or legal entity that is allowed to sell or dispense alcoholic beverages pursuant to this section shall comply with all applicable federal, state and local laws related to the sale or dispensing of alcoholic beverages. City Council is authorized to promulgate written administrative procedures to implement this section and any alcohol event permits authorized herein.

City-owned property. ~~It shall~~ be unlawful for any person to sell, dispense, possess or consume any alcoholic beverages on any property owned by the city, except as follows:

1. Within the rental event space at the Community Center, or within Dupree Park during special events when the entire park is closed, consumption during an event for which the entire facility is rented. A fundraising event sponsored by a governmental or other public entity or a not-for-profit entity that charges admission for the event, but does not charge for the purchase of the alcoholic beverages, is not considered the sale of alcoholic beverages. The rental agreement may

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specify such terms and conditions as may be required by the City in its sole discretion as owner of the property.

2. An alcohol event permit application must be submitted by the event organizer, on the form provided by Jacksonville Parks & Recreation Commission, along with payment of the fee set forth by Jacksonville Parks & Recreation Commission.

3. The alcohol event permit application shall be reviewed by the appropriate departments of the City to ensure protection of the public health, safety and general welfare. In addition to normal concerns of each such department, particular attention will be given to traffic flow and control, auto and pedestrian safety, noise and the effect that the use and activity will have on surrounding uses, particularly where the adjoining or nearby use is residential.

The alcohol event permit may be approved or denied by the Jacksonville Parks & Recreation Commission based on compliance with this subsection. The Jacksonville Parks & Recreation Commission may impose additional special conditions as deemed necessary to protect the public health, safety and general welfare.

Each alcohol event permit issued shall be subject to the following conditions, requirements and limitations, as well as any other special conditions stated in the permit.

1. A sufficient number of off-duty law enforcement officers and EMS personnel shall be employed by the permittee to provide law enforcement officers, crowd control and emergency medical services for the event. A minimum of two (2) law enforcement officers with jurisdiction in Jacksonville, Arkansas shall be on site at all times, with an additional officer per 100 guests. Jacksonville Police Department has the right of first refusal for such events.
2. All reservations for events containing alcohol must be made by parties aged Twenty-one (21) or older. A copy of the **permittee's** state-issued ID will be required upon reservation of the facility.
3. Consumption of alcohol must cease one hour before the end of the event. If at any time, the Jacksonville Parks and Recreation Staff or the hired law enforcement officers deem it necessary to stop the consumption of alcohol earlier, the permittee will be notified and the services shall cease.
4. The permittee shall indemnify the City, its elected and appointed officers, employees, and agents from any claim for personal injury, including death, or property damage, including destruction, associated

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with the event. This indemnification shall be in the form of an insurance policy acceptable to the Jacksonville Parks & Recreation Commission, that names the City as an additional insured and is endorsed to provide

a separate aggregate of a minimum of \$1,000,000.00 for the event. In addition, the permittee shall procure a liquor liability policy with not less than \$1,000,000.00 of coverage that also names the City as an additional insured.

The event may be open to the public only during such hours as the City deems appropriate in its sole discretion.

The sale, dispensing and consumption of beer, wine, and other alcoholic beverages shall occur only within the rented area as agreed upon.

Nor shall the event organizer allow alcoholic beverages sold inside the secured area to be taken out of, or consumed outside of, the secured area.

Alcohol event permits, generally. An application for an alcohol event permit may not be submitted more than six months prior to the first day of the event. If the Jacksonville Parks & Recreation Commission determines that an event is creating a clear and present danger of a riot or other general public disorder, or substantial injury to persons or to property, the Jacksonville Parks & Recreation Commission may require the immediate cessation of the sale, dispensing, consumption and possession of alcoholic beverages or may require the immediate cessation of the event. In addition, if the Parks & Recreation Director finds that the requirements or conditions of an alcohol event permit have been violated, and not cured within a reasonable time after reasonable notice to the permit holder, the Jacksonville Parks & Recreation Commission may require the immediate cessation of the sale, dispensing, consumption and possession of alcoholic beverages or may require the immediate cessation of the event.

SECTION TWO: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE: This Ordinance shall take effect immediately upon its passage and publication, as provided by and subject to the requirements of applicable law.

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APPROVED AND ADOPTED THIS 7TH DAY OF NOVEMBER, 2019.

CITY OF JACKSONVILLE, ARKANSAS

BOB JOHNSON, MAYOR

ATTEST:

SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:

STEPHANIE FRIEDMAN, CITY ATTORNEY