

FIRST READING	<u>05/12/2025</u>
SECOND READING	<u>06/09/2025</u>
EFFECTIVE DATE	<u>06/09/2025</u>
ADVERTISEMENT	<u>05/30/2025</u>

ORDINANCE NO. 2025-287

AN ORDINANCE RELATED TO BUSINESS PROPERTY SECURITY AND PUBLIC SAFETY; AMENDING CHAPTER 10, CODE OF GENERAL ORDINANCES; AMENDING SECTION 10-1; REQUIRING BUSINESS LICENSE TO ENGAGE IN BUSINESS ACTIVITIES IN TOWN; CREATING SECTION 10-8; REQUIRING BUSINESSES TO POST SIGNAGE PROHIBITING LOITERING AND TRESPASSING OUTSIDE OF POSTED BUSINESS HOURS; PROVIDING FOR ENFORCEMENT, PENALTIES, AND APPEALS; AMENDING CHAPTER 18, CODE OF GENERAL ORDINANCES; CREATING SECTION 18-1; PROHIBITING LOITERING AND PROWLING ON BUSINESS PROPERTY OUTSIDE OF HOURS OF OPERATION WITHOUT WRITTEN CONSENT; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT UNDER STATE LAW; REDESIGNATING SUBSEQUENT SECTIONS OF CHAPTER 18; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Greenville has the authority under Chapter 205, *Florida Statutes*, and Article VIII, Section 2(b) of the Florida Constitution, to regulate businesses operating within its jurisdiction, including requiring the issuance and maintenance of a valid local business tax receipt, a business license, as a condition for conducting business activities; and

WHEREAS, the Town Council finds that ensuring all businesses operating within the Town are properly licensed is essential to protect the public health, safety, and welfare, and to promote lawful and orderly business operations; and

WHEREAS, the Town of Greenville, Florida, has experienced repeated unauthorized gatherings of large groups of individuals on business properties after hours, where alcohol is consumed, music is played loudly, and firearms have been brandished, resulting in disturbances, threats to public safety, and criminal activity, including shootings both within the Town and in neighboring municipalities; and

WHEREAS, these after-hours block parties and unlawful assemblies routinely devolve into unsafe and unlawful conduct, threatening the safety of persons and property in the vicinity, straining law enforcement resources, and undermining the peaceful enjoyment of nearby neighborhoods and businesses; and

WHEREAS, the Town Council of the Town of Greenville, Florida, finds that such behavior constitutes loitering and prowling under section 856.021, *Florida Statutes*, when accompanied by circumstances that reasonably cause alarm or immediate concern for public safety; and

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WHEREAS, the Town Council of the Town of Greenville, Florida, further finds that requiring licensed businesses to post signage prohibiting loitering and trespassing outside of business hours will serve as a reasonable and effective measure to deter such unauthorized activities and assist law enforcement in the enforcement of local ordinances and state law; and

WHEREAS, the Town Council of the Town of Greenville, Florida, finds it necessary to adopt local legislation to address these related issues comprehensively, by requiring business licensing, establishing signage requirements, and prohibiting unauthorized loitering or prowling on business premises outside of posted hours of operation, with enforcement mechanisms and penalties to ensure compliance specifically prohibiting loitering or prowling on business premises outside of posted business hours without written consent of the property owner, tenant, or authorized agent, and to provide for enforcement mechanisms, penalties, and remedies to ensure compliance and safeguard the public.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA, that:

Section 1. Recitals. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. Section 10-1 of Chapter 10 of the Code of Ordinances of the Town of Greenville, Florida, is hereby amended to read as follows:

Unless otherwise prohibited by state or federal law, there is hereby levied a business tax in the amounts established by the town council from time to time, which amounts shall be maintained on file with the town clerk. Payment of the business tax and compliance with this section shall constitute obtaining a business license from the Town of Greenville for the privilege of engaging in or managing any business, profession, or occupation within the town on the following:

- (a)(1) Any person who maintains a permanent business location or branch office within the town ~~said municipality~~ for the privilege of engaging in or managing any business within its jurisdiction; and
- (b)(2) Any person who maintains a permanent business location or branch office within the town ~~said municipality~~ for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

No person, firm, corporation, or other entity shall engage in or operate any business, profession, or occupation within the town unless and until such person or entity has obtained and maintains a valid local business tax receipt issued by the town in accordance with this chapter and Chapter 205, Florida Statutes.

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Section 3. Section 10-7 of Chapter 10 of the Code of Ordinances of the Town of Greenville, Florida, is hereby created to read as follows:

(a) *Purpose.* The purpose of this section is to promote public safety, deter unlawful loitering and trespassing on business premises, and assist law enforcement in enforcing applicable laws by requiring businesses to post clear signage prohibiting loitering and trespassing outside of business hours, and by prohibiting such conduct without authorization.

(b) *Applicability.* This section shall apply to all businesses operating within the town that maintain a physical premises open to the public and used primarily for commercial purposes. This section shall not apply to properties used primarily as a private residence, regardless of whether a home-based business is conducted on the premises.

(c) *Required signage.* All businesses subject to this section shall post, in a conspicuous location at each public entrance to the business premises, signage with language substantially similar to the following:

"No Loitering or Trespassing Outside of Business Hours. Violators May Be Prosecuted Under Town of Greenville Code and Florida Law."

The sign shall:

(1) Be no less than 12 inches by 18 inches in size.

(2) Use lettering that is clearly legible from a distance of at least 25 feet.

(3) Be maintained in good condition and unobstructed from view at all times.

(d) *Timing of compliance.* All businesses subject to this section shall comply no later than thirty (30) calendar days following the effective date of this ordinance. Thereafter, any new business shall comply prior to commencing operations.

(e) *Enforcement and penalties.*

(1) *Warning notice.* Upon the first observed violation of this section, the Code Enforcement Officer, as defined in section 2-75, shall issue a written warning notice to the business owner, tenant, or authorized agent, specifying the violation and providing not less than ten (10) calendar days to comply by installing the required signage.

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- (2) Civil citation and fine. If the business fails to comply within the specified timeframe, the town may issue a civil citation in accordance with Chapter 162, Florida Statutes, and the town's code enforcement procedures. The fine for violation shall be \$100.00 per day for each day the violation continues beyond the deadline specified in the warning notice.
- (3) Stop-Work Order or suspension of business tax receipt. In addition to or in lieu of the civil fine, the Town Manager, upon consultation with the Town Attorney, may issue an Order:
- a. Suspending or revoking the business's local business tax receipt (business license) until the violation is corrected; or
  - b. Issuing a Stop-Work Order prohibiting continued business operations on the premises until compliance is achieved.
- (4) Other remedies. The remedies provided herein are cumulative and not exclusive. The town may seek injunctive relief or any other remedy available at law or in equity to enforce compliance with this section.
- (f) Appeal. Any enforcement action taken under this section may be appealed in writing to the town council within fifteen (15) calendar days of the issuance of the citation, Stop-Work Order, or suspension. The decision of the town council shall be final.

Section 4. Section 18-1 of Chapter 10 of the Code of Ordinances of the Town of Greenville, Florida, is hereby created to read as follows:

- (a) Definitions.
- (1) Loitering means to stand, idle, linger, remain, or congregate in a place without a lawful purpose, including repeatedly passing by or remaining on business property without intent to engage in legitimate commercial activity.
  - (2) Prowling means to move about a property stealthily, evasively, or under circumstances that suggest an intent to conceal one's presence or activities, particularly in a manner that causes concern for the safety of persons or property.

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- (3) Business Property means real property, improved or unimproved, where the primary use is for commerce, including the sale of goods, provision of services, or operation of retail, service, dining, or professional establishments. This definition excludes residences, including those with incidental home-based businesses.
- (4) Posted Hours of Operation means the regular business hours posted visibly on signage at the premises or published on the business's website or social media account.
- (b) Prohibited conduct. It is unlawful for any person to loiter or prowl on business property:
- (1) More than one hour before the posted opening time or more than one hour after the posted closing time; and
- (2) Without the express written consent of the property owner, tenant, or authorized agent.
- (c) Presumption and signage.
- (1) The presence of any person on business property in violation of subsection (b) creates a rebuttable presumption of unlawful loitering or prowling under this section and may, under appropriate circumstances, constitute loitering or prowling under section 856.021, Florida Statutes.
- (2) Licensed business owners are encouraged to post signage indicating business hours and are required to post signage indicating that loitering or unauthorized presence outside those hours is prohibited.
- (d) Enforcement.
- (1) A law enforcement officer may order any person in violation of this section to immediately vacate the premises.
- (2) Where loitering or prowling occurs under circumstances that involve any of the following:
- a. Congregation of large groups consuming alcohol or playing loud music;
- b. Possession or display of weapons;

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- c. Refusal to disperse;
- d. Blocking traffic or business access; or
- e. Prior acts of violence or disturbance on the premises;  
such conduct may be deemed to create a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, satisfying the elements of section 856.021, Florida Statutes, and allowing arrest under state law.

REDESIGNATE SUBSEQUENT SECTIONS ACCORDINGLY.

Section 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Repeal of conflicting ordinances. Any and all ordinances or land development code or parts of ordinances or land development code in conflict herewith are hereby amended or repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Following the second reading of the foregoing, the Honorable ROBIN HUNST moved that the foregoing ordinance be adopted. The Honorable CARL LIVINGSTON seconded the motion for its adoption.

The Honorable RYAN KORNZGAY put the question to a roll call vote, and the result was as follows:

Hon. Barbara Dansey, Councilmember	Voted: <u>YES</u>
Hon. Carl Livingston, Councilmember	Voted: <u>YES</u>
Hon. Chiquila Pleas, Councilmember	Voted: <u>NO</u>

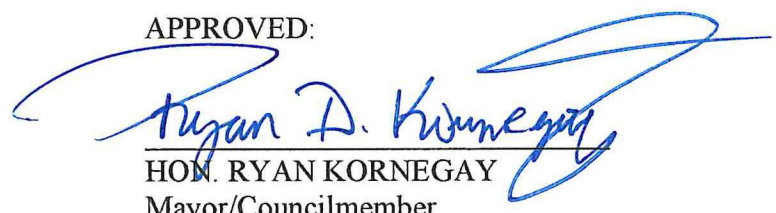
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Hon. Robin Housh, Vice Mayor/Councilmember Voted: YES

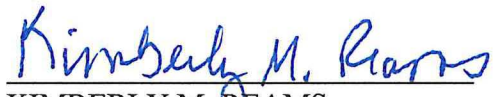
Hon. Ryan Kornegay, Mayor/Councilmember Voted: YES

PASSED AND ADOPTED by the Town Council of the Town of Greenville, Florida, this 9<sup>th</sup> day of June 2025.


APPROVED:

  
HON. RYAN KORNEGAY  
Mayor/Councilmember

ATTEST:

  
KIMBERLY M. REAMS  
Town Clerk

APPROVED AS TO FORM:

  
JOHN LAURANCE REID  
Town Attorney

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