

ORDINANCE NO. 1067

**AN ORDINANCE TO AMEND THE ATHENS MUNICIPAL CODE
FORMER CHAPTER 2 NOW CHAPTER 3 OF TITLE 8 TO ADD A NEW
CLASSIFICATION ELIGIBLE FOR
A BEER PERMIT AND ADDRESS REGULATIONS
NOT APPLICABLE TO THE NEW CLASSIFICATION**

Pursuant to Chapter 5 of the Title 57 of the TENNESSEE CODE ANNOTATED, the City of Athens is vested with the authority to regulate the sale, storage, dispensing, serving, distribution, and manufacturing of beer within its corporate limits. By Ordinance, the City of Athens has authorized the issuance of Beer Permits under certain classifications. The City of Athens now desires to add a new classification for a Special Event Organizer.

By Ordinance No. 1035 passed on final reading on March 17, 2015, Title 8 of the Athens Municipal Code was amended to add a new chapter concerning "liquor stores." The new chapter entitled, "Liquor Stores" was added as a new Chapter 2 and the former Chapter 2 entitled "Beer" was renumbered Chapter 3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

SECTION 1: Amend Chapter 8, former Section 8-211, Interference with Public Health, Safety, and Morals Prohibited, now Section 8-311, subparagraph (3), by adding a new classification eligible for a Beer Permit and addressing the regulations not applicable to it as follows:

(J) Special Event Organizer. There shall be no limitation on the number of permits issued to Special Event Organizers as defined hereafter. A Special Event Organizer for the purpose of holding a Beer Permit is defined as a bona fide non-profit, charitable organization or political organization. A bona fide non-profit, charitable organization means any corporation or legal entity which has been recognized as exempt from federal taxes under Section 501(c)(3) of the *Internal Revenue Code*, or any organization which has been in existence for at least three (3) consecutive years which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, or charitable purposes. A bona fide political organization means any political campaign committee as defined in TCA Section 2-10-102, or any political party as defined in TCA Section 2-13-101.

The Athens Beer Board shall have the authority to issue a Special Event Organizer Beer Permit in the name of the organizer for the sale, storage, dispensing, serving, and distribution of beer in the City of Athens at a specific location for a temporary period of time not to exceed one (1) forty-eight (48) hour period. Each permit issued shall state the hours of sale which shall not conflict with hours of sale imposed by State law or City Ordinance. A Special Event Organizer Beer Permit shall only be valid for one (1) specific location, which shall be described in the permit.

No non-profit, charitable organization or political organization shall be eligible to receive more than six (6) Special Event Organizer Beer Permits in any one (1) calendar year, measured from January 1 to December 31.

A Special Event Organizer Beer Permit shall not be issued unless and until the organizer has submitted an Application to the Athens Beer Board accompanied by the non-refundable application fee as required in former 8-207, now 8-307, within a sufficient time for the Beer Board to consider and act upon the Application.

The Athens Beer Board shall have the right to place any and all conditions, restrictions and provisions it deems necessary on the permit issued for a Special Event.

Special Event Organizer Beer Permit holders shall be responsible for complying with all state statutes, rules, and regulations, and all City of Athens Ordinances, Rules and Regulations related to the sale, storage, dispensing, serving, and distribution of beer, unless otherwise stated hereafter, and in particular, the laws prohibiting the sale of alcoholic beverages to minors and the sale of alcoholic beverages to visibly intoxicated persons. Beer shall not be sold, dispensed, served, or distributed by a person under the age of 18. Failure of the Special Event Organizer Beer Permit holder to abide by all of the conditions within the Permit and the laws of the State of Tennessee and the City of Athens shall preclude the Permit holder from obtaining another Special Event Organizer Beer Permit for a period of two (2) years in addition to any other penalty that may be otherwise provided for by law.

A Special Event Organizer Beer Permit holder shall not be required to comply with the requirement in Section 8-106 and former 8-208, now 8-308, that a licensee furnish the Chief of Police with a list of the names and other required information for all persons employed in the place where alcoholic beverages are to be sold.

A Special Event Organizer Beer Permit holder shall not be subject to the annual privilege tax imposed under former Section 8-210, now Section 8-310.

Former Section 8-213(17), now Section 8-313 (17), which prohibits the selling of beer at places where dancing allowed shall not apply to Special Event Organizer Beer Permit holders.

Former Section 8-219, now Section 8-319, which prohibits the possession or consumption of alcoholic beverages, wine, and beer on public property and on certain privately owned parking lots shall not apply to the possession or consumption of an open container of beer on (1) any public street, sidewalk, playground, park, school property or public parking lot or (2) any privately owned parking lot held open by the owners for use by the public where twenty [20] or more vehicles may be parked, provided the beer was sold, dispensed, served or distributed by a Special Event Organizer Beer Permit holder and is possessed or consumed during the time period of the special event and within the boundary provided for upon the Special Event Organizer Beer Permit.

Special Event Organizer Beer Permit holders shall not erect within the boundaries of the Special Event an outdoor sign, advertisement or display that advertises beer other than one (1) sign, advertisement or display which makes reference to the fact that beer is being offered for sale or served by the Organizer. Any sign, advertisement or display shall be located only upon or at the booth or station where beer is offered for sale or served by the Organizer.

Section 20-307(9) which prohibits the possession of beer within a city park shall not apply if the beer was sold, dispensed, served or distributed by a Special Event Organizer Beer Permit holder and the beer is located within the boundaries of the Special Event as shown on the Beer Permit.

SECTION 2: Amend Chapter 8, former Section 8-211, now Section 8-311, Interference with Public Health, Safety and Morals Prohibited subparagraph (2), by adding a subparagraph (2) (i) as follows:

(2) (i) Special Event Organizer-300 feet.

SECTION 3: Amend Chapter 8, former Section 8-211, now Section 8-311, Interference with Public Health, Safety and Morals Prohibited by adding a new paragraph within subparagraph (2) to be placed as the new next to last paragraph within subparagraph 2 as follows:

For any Special Event Organizer, the above minimum distance requirement from a building used as a church shall only apply if the Special Event is proposed for a

Wednesday during the hours of 5:00 p.m. through 9:00 p.m. or on a Sunday. For a Special Event Organizer, the above minimum distance requirement from certain buildings shall not be applicable if the proposed Special Event is located within the downtown business district which is defined as that area within the interior of the boundaries of Baxter Street, Green Street, College Street, Hill Street and Park Street as shown on the map of the City of Athens attached hereto and incorporated herein by reference. For a Special Event Organizer, in the event the above minimum distance requirement is applicable, the distance shall be measured in a straight line between the nearest corner of the building within which the Organizer of the Special Event proposes to sell, distribute, store, dispense or serve beer and the nearest corner of the building from which there must be a minimum distance. For a Special Event Organizer, if the Special Event is scheduled in an outdoor location and the above minimum distance requirement from certain buildings is applicable, the distance shall be measured in a straight line between the booth or station where beer is proposed to be offered for sale or served by the Organizer and the nearest corner of the building from which there must be a minimum distance.

SECTION 4: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase, or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

SECTION 5: BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and as provided by law.

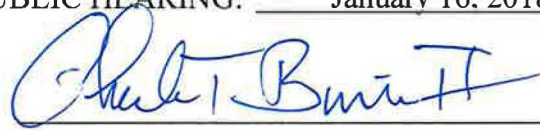
PASSED ON FIRST READING: December 19, 2017

PASSED ON SECOND READING: January 16, 2018

DATE OF PUBLIC HEARING: January 16, 2018

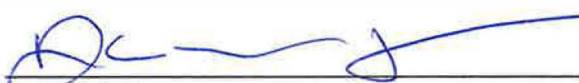


C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor

APPROVED AS TO FORM:



H. CHRIS TREW, City Attorney

