

ORDINANCE NO. 4576-15

AN ORDINANCE AUTHORIZING THE CONSUMPTION OF CERTAIN ALCOHOLIC BEVERAGES AND AUTHORIZING THE SALE OF ITEMS FROM STREET VENDORS AS SPECIFIED HEREIN AT THE 2015 BLUE PLUM FESTIVAL TO TAKE PLACE UPON THE PUBLIC STREETS, SIDEWALKS, WALKWAYS, SQUARES, AVENUES, ALLEYS OR OTHER PUBLIC WAYS AS PARTICULARLY DESCRIBED IN THAT PORTION OF THE CITY MORE PARTICULARLY SET FORTH AND DESCRIBED HEREIN NOTWITHSTANDING THE PROVISIONS OF SECTION 8-101 OR SECTION 16-105(1) OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, OR ANY OTHER ORDINANCES OR PARTS OF ORDINANCES HERETOFORE PASSED.

WHEREAS, Friends of Olde Downtown (hereinafter referred to as the “Organization”) is sponsoring the special event known as the Blue Plum Festival and has requested permission for the temporary closing, and use of certain public streets, sidewalks, walkways, squares, avenues, alleys or other public ways as herein described for the purpose of holding the Blue Plum Festival in Johnson City, Tennessee, in that portion of the downtown area as more particularly described and set forth on Exhibits “A” and “B” to this ordinance as well as to allow the possession and consumption of beer to be possessed and consumed and sales (but not beer sales) from street vendors with permits for vending sites issued by the Organization; and

WHEREAS, it has been determined by the Board of Commissioners that it is in the public interest of the City to allow the possession and consumption of beer and sales (but not beer sales) from street vendors upon the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways in that portion of the downtown area herein described which is to be purchased from the licensees located in said area as described herein during said event; and

WHEREAS, it has been determined to be in the public interest to suspend the operation of the ordinances of the City governing beer and sales from street vendors in the Permitted Areas shown on Exhibits “A” and “B.”

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That there shall be a temporary closing from Thursday, June 4, 2015, at 5:00 p.m. until Sunday, June 7, 2015, at 5:00 p.m., local time, of certain public streets, sidewalks, walkways, squares, avenues, alleys or other public ways as herein described for the purpose of holding the Blue Plum Festival in Johnson City, Tennessee, in that portion of the downtown area as more particularly described and set forth on Exhibit “A” to this ordinance. Sevier Street/Lamont Street as shown on Exhibit “B” shall be closed from 5:00 p.m. until 9:30 p.m. on Friday, June 5, 2015, for an event to be held in Founders’ Park. Sevier Street/Lamont Street as shown on Exhibit “B” shall be closed from 9:00 a.m. until 11:59 p.m. on Saturday, June 6, 2015, for an event to be held in Founders’ Park.

SECTION II. BE IT FURTHER ORDAINED for the purpose of this ordinance, the consumption of beer (defined in Title 57, Chapter 5 of the Tennessee Code) shall be permitted in that area of the City described herein on Exhibit "A" and shall be allowed upon the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways of the City located in said Permitted Area of the City depicted on Exhibit "A", only during the hours between 1:00 p.m. and 11:00 p.m., local time on June 5, 2015, and between 1:00 p.m. and 11:00 p.m., local time, on June 6, 2015. No serving, dispensing, or pouring of beer shall take place outside of the confines of the interior walls of the licensed premises which are currently duly licensed under applicable state statutes and municipal ordinances governing the sale of said beverages in the B-2 Central Business District, fronting the streets closed in the Permitted Area described on Exhibit "A". No serving, dispensing, or pouring of beer shall be allowed upon the public streets, sidewalks, walkways, squares, avenues, alleys, or other public ways depicted on Exhibit "A" as the "Permitted Area." The Organization is allowed to serve, dispense, and pour beer for sponsors of the Blue Plum event within the confines of a VIP tent located near the main stage on Friday, June 5, 2015, from 5:00 p.m. until 9:00 p.m., and on Saturday, June 6, 2015, from 5:00 p.m. until 9:00 p.m. No sales of beer are allowed in the VIP tent. All kegs and taps shall be kept within the VIP tent. All cash registers, kegs, and taps shall be confined within the interior walls of the licensed premises. All sales of food, non-alcoholic beverages, and merchandise from vendors with permits from the Organization for vending sites shall be permitted from 8:00 a.m. until 11:00 p.m. on June 5, 2015, and June 6, 2015, in the Permitted Area depicted on Exhibit "A".

SECTION III. BE IT FURTHER ORDAINED that all such beer as authorized herein shall be purchased from persons, firms, corporations, or other entities which are currently duly licensed under applicable state statutes and municipal ordinances governing the sale of said beverages in the B-2 Central Business District, fronting the streets closed in the Permitted Area described on Exhibit "A", in containers which shall be of suitable material such as styrofoam, paper, plastic or some other such known non-shatterable or unbreakable substance and which shall be other than glass.

SECTION IV. BE IT FURTHER ORDAINED that this section applies to two (2) events to be held in the Founders' Park Permitted Area as depicted on Exhibit "B". The first event will be held between the hours of 7:00 p.m. and 9:30 p.m. on Friday, June 5, 2015, as a post 5K Road Race event. The second event will be held between the hours of 1:00 p.m. and 11:00 p.m. on Saturday, June 6, 2015. The Organization shall obtain a special occasion license for these events to be held entirely within the Permitted Area at Founders' Park and the closed portion of Lamont/Sevier Street shown on Exhibit "B". The sale, possession, and consumption of beer shall be allowed within the Permitted Area described herein on Exhibit "B" between the hours of 7:00 p.m. and 9:30 p.m. on Friday, June 5, 2015, and between the hours of 1:00 p.m. and 11:00 p.m. on Saturday, June 6, 2015. No serving, dispensing, or pouring of beer shall take place outside the Permitted Area shown on Exhibit "B", and all sales shall be made by the Organization pursuant to its special occasion license. Coolers, glass bottles, glass thermos bottles, breakable glasses and/or cups or mugs shall be prohibited in the Permitted Area described in Exhibit "B". All containers shall be of suitable material such as styrofoam, paper, plastic or some other such known non-shatterable or unbreakable substance and which shall be other than glass. No container of beer shall be capable of containing more than sixteen (16) fluid ounces within the Permitted Area described in Exhibit "B". All beer sales within the Permitted Area shown on Exhibit "B" shall cease at 9:30 p.m., local time, on Friday, June 5, 2015, and at 11:00 p.m., local time, on Saturday, June 6, 2015. No other alcoholic beverages, except beer, shall be allowed in the Permitted Area described in Exhibit "B". All music shall be concluded by 11:00 p.m., local time, on both days. During the times that Lamont/Sevier Street is closed as depicted on Exhibit "B", sales of food and other merchandise are allowed thereon.

SECTION V. BE IT FURTHER ORDAINED that no person shall carry or bring any outside beer or other alcoholic beverages for personal consumption into or out of the Permitted Areas described on Exhibits “A” and “B”.

SECTION VI. BE IT FURTHER ORDAINED that only pedestrian traffic and vehicles pertaining to the festival shall be allowed in the Permitted Areas described on Exhibits “A” and “B” and all other traffic excepting police, EMS, fire or other such emergency equipment shall be prohibited.

SECTION VII. BE IT FURTHER ORDAINED that nothing herein shall be construed as prohibiting restaurants possessing a valid, current special exception by the Johnson City Board of Zoning appeals for sidewalk dining from operating within the parameters of the special exception. The serving of beer by licensed restaurants with a valid special exception for sidewalk dining shall occur solely within the licensed premises or within the permitted sidewalk dining area to patrons within the sidewalk dining area or within the premises, as the case may be. No licensed restaurants with a valid special exception for sidewalk dining shall serve beer to any person who is not within the permitted sidewalk dining area or within the confines of the licensed premises interior walls.

SECTION VIII. BE IT FURTHER ORDAINED that coolers, glass bottles, glass thermos bottles, breakable glasses and/or cups or mugs shall be prohibited within the Permitted Areas described on Exhibits “A” and “B”.

SECTION IX. BE IT FURTHER ORDAINED that no container of beer shall be capable of containing more than sixteen (16) fluid ounces within the Permitted Areas described on Exhibits “A” and “B”.

SECTION X. BE IT FURTHER ORDAINED that only the possession and consumption of beer shall be permitted upon the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways as particularly set forth in the Permitted Area on Exhibit “A” hereto and that all other alcoholic beverages shall be sold, permitted, and consumed only within the licensed establishments in B-2 Central Business District, fronting the streets closed in the Permitted Area on Exhibit “A,” holding current, operable, licenses and permits from the City of Johnson City and the State of Tennessee. See SECTION IV for additional rules pertaining to the Permitted Area on Exhibit “B”. See SECTION VII for rules pertaining to licensed establishments possessing a special exception for sidewalk dining.

SECTION XI. BE IT FURTHER ORDAINED that the operation of this ordinance shall terminate at 8:00 p.m., local time, on Sunday, June 7, 2015, and thereafter shall be null, void and of no force or effect.

SECTION XII. BE IT FURTHER ORDAINED that during the operation of this ordinance there be appropriate measures taken so as to notify the public of the closing of the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways for the purpose of holding the Blue Plum Festival and to notify the public that special rules allowing only the consumption of beer within areas herein.

SECTION XIII. BE IT FURTHER ORDAINED that no authorized license holder holding an on-premises license for the sale of beer shall sell such beverages for off-premise after 10:30 p.m., local time, during the Blue Plum Festival.

SECTION XIV. BE IT FURTHER ORDAINED that all off-premises beverages as permitted herein shall be consumed before 11:00 p.m., local time, during the Blue Plum Festival.

SECTION XV. BE IT FURTHER ORDAINED that all music shall be concluded at 11:00 p.m., local time, in the area herein described during the Blue Plum Festival.

SECTION XVI. BE IT FURTHER ORDAINED that the authorized license holder making the sale shall be responsible at the entrance to the business premises for checking all identification in order to ensure legal compliance with the laws pertaining to legal drinking age and no such license holders shall allow alcoholic beverages as permitted herein to leave the licensed premises for off-premises consumption after the 10:30 p.m., local time, deadline as set forth herein.

SECTION XVII. BE IT FURTHER ORDAINED that this ordinance shall take effect during the hours set forth herein, after its passage on third and final reading and publication as required by law, the public welfare requiring it.

SECTION XVIII. BE IT FURTHER ORDAINED that each violation of a provision of this ordinance shall subject a violator to a fine as specified in the *Code of the City of Johnson City, Tennessee*, in Section 1-104; furthermore, a violator with a beer license who violates this ordinance is subject to all fines, suspensions, and revocations as set forth in Title 57 of the *Tennessee Code*, Section 1-104 of the *Code of the City of Johnson City, Tennessee*, and Title 8 of the *Code of the City Of Johnson City, Tennessee*.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 4/2/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 4/16/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 5/7/2015
APPROVED AND SIGNED IN OPEN
MEETING ON THE 7th DAY OF
May, 2015

FOLLOWING PASSAGE ON THIRD
READING.

/s/ Ralph Van Brocklin
RALPH VAN BROCKLIN, MAYOR

ATTEST:
/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:
James H. Epps, IV
STAFF ATTORNEY