

**ORDINANCE NO. 4575-15**

AN ORDINANCE AUTHORIZING THE CONSUMPTION OF CERTAIN ALCOHOLIC BEVERAGES AND FOOD TRUCK SALES AS SPECIFIED HEREIN AT THE 2015 FOOD TRUCK BEER DINNER 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 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, OR ANY OTHER ORDINANCES OR PARTS OF ORDINANCES HERETOFORE PASSED.

**WHEREAS**, the person sponsoring the special event known as the Food Truck Beer Dinner has requested permission for the temporary closing from Friday, April 10, 2015, at 12:00 p.m. until Friday, April 10, 2015, at 10:00 p.m., local time, and use of certain public streets, sidewalks, walkways, squares, avenues, alleys or other public ways as herein described for the purpose of holding the Food Truck Beer Dinner in Johnson City, Tennessee, in that portion of the downtown area as more particularly described and set forth on Exhibit "A" to this ordinance as well as to allow the possession and consumption of beer to be possessed and consumed and food sales exclusively from food trucks during said event in said area on April 10, 2015, between the hours of 5:00 p.m. and 10:00 p.m., local time; 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 food sales exclusively from food trucks 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 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 the possession and consumption of beer and sales of food in the Permitted Area shown on Exhibit "A" only during the hours between 5:00 p.m. and 10:00 p.m., local time on April 10, 2015.

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

**SECTION I.** That there shall be a temporary closing from Friday, April 10, 2015, at 12:00 p.m. until Friday, April 10, 2015, at 10:00 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 Food Truck Beer Dinner in Johnson City, Tennessee, in that portion of the downtown area as more particularly described and set forth on Exhibit "A" to this ordinance.

**SECTION II.** BE IT FURTHER ORDAINED for the purposes of this ordinance, "beer" is defined in Title 57, Chapter 5 of the Tennessee Code. The possession and consumption of beer and food sales exclusively from food trucks is permitted in that area of the City described herein on Exhibit "A" and is 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 5:00 p.m. and 10:00 p.m., local time on April 10 2015. No serving, dispensing, or pouring of beer shall take place outside of the confines of the interior walls of the licensed premises which is currently duly licensed under applicable state statutes and municipal ordinances governing the sale of said beverages fronting the street closed in the 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." All cash registers, kegs, and taps shall be confined within the interior walls of the licensed premises.

**SECTION III.** BE IT FURTHER ORDAINED that all such beer possession and consumption as authorized herein be purchased from the entity which is currently duly licensed under applicable state statutes and municipal ordinances governing the sale of said beverages fronting the street 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. Food sales exclusively from food trucks are authorized only within the permitted area described on Exhibit "A." No sale of beer shall be allowed from food trucks.

**SECTION IV.** BE IT FURTHER ORDAINED that only pedestrian traffic will be allowed in the Permitted Area described on Exhibit "A" and all other traffic, except police, EMS, fire or other such emergency equipment, shall be prohibited.

**SECTION V.** BE IT FURTHER ORDAINED that coolers, glass bottles, glass thermos bottles, breakable glasses, or breakable cups/mugs, large bags and backpacks shall be prohibited within the Permitted Area described on Exhibit "A".

**SECTION VI.** BE IT FURTHER ORDAINED that no container of beer shall be capable of containing more than sixteen (16) fluid ounces within the Permitted Area described on Exhibit "A".

**SECTION VII.** 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 as the Permitted Area on Exhibit "A" hereto and that all other alcoholic beverages shall be sold and permitted only within the licensed establishment fronting the street 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.

**SECTION VIII.** BE IT FURTHER ORDAINED that the event authorized by this ordinance shall terminate at 10:00 p.m., local time, on April 10, 2015.

**SECTION IX.** 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 Food Truck Beer Dinner and to notify the public that special rules are in effect allowing only the consumption of beer and food sales exclusively from food trucks within the areas specified herein.

**SECTION X.** BE IT FURTHER ORDAINED that no authorized license holder holding an on-premises license for the sale of beer is to sell such beverages for off-premise consumption after 10:00 p.m., local time.

**SECTION XI.** BE IT FURTHER ORDAINED that all off-premises beverages as permitted herein shall be consumed before 10:00 p.m., local time.

**SECTION XII.** 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 10:00 p.m., local time, deadline as set forth herein.

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

**SECTION XIV.** BE IT FURTHER ORDAINED that each violation of a provision of this ordinance shall subject the licensee to punishment up to and including forfeiture of his or her license and a fine as specified in the Code of the City of Johnson City, Tennessee, in Section 1-104.

PASSED IN OPEN, PUBLIC MEETING  
ON THE FIRST READING 3/05/2015  
PASSED IN OPEN, PUBLIC MEETING  
ON THE SECOND READING 3/20/2015  
PASSED IN OPEN, PUBLIC MEETING  
ON THE THIRD READING 4/2/2015  
APPROVED AND SIGNED IN OPEN  
MEETING ON THE 2<sup>nd</sup> DAY OF  
April, 2015

FOLLOWING PASSAGE ON THIRD  
READING.

/s/ Ralph Van Brocklin  
MAYOR

ATTEST:  
/s/ Janet Jennings  
CITY RECORDER

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