



CITY OF JOHNSON CITY
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CITY OF JOHNSON CITY

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DATE: July 22, 2021

SUBJECT: Legal Notice

PLEASE ADVERTISE AS SOON AS POSSIBLE ORDINANCE NO. 4772-21

AN ORDINANCE TO REVISE THE CODE OF THE CITY OF JOHNSON CITY TO IDENTIFY CITY OWNED PROPERTY THAT ALLOWS SALE AND CONSUMPTION OF BEER, TO REMOVE JOHNSON CITY DEVELOPMENT AUTHORITY AS SCHEDULING AGENT, TO CLARIFY PROCEED DESIGNATION FOR TEMPOARY OCCASION BEER LICENSE, AND IDENTIFY DISTANCE REQUIREMENTS FOR TEMPORARY OCCASION BEER LICENSE DURING A SPECIAL EVENT BY AMENDING TITLE 8, CHAPTERS 1 AND 2 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That Title 8, Chapters 1 and 2, of the City of Johnson City Code is hereby amended to add the following:

The original Section 8-102(2)(3)(4)(5), and (6) reads as follows:

(2) For private events that are invitation-only and not open to the public at Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, and the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce Streets and State of Franklin Road, scheduled through the Johnson City Development Authority (or through some other entity managing these facilities,

including the city itself), if no consideration is charged or money exchanged for the sale of alcoholic beverages, wine, high alcohol content beer, or beer or to attend the event, the serving (but not sale), possession, and consumption of alcoholic beverages, wine, high alcohol content beer, and beer are permitted during such hours allowed for such beverages for on-premises consumption.

For public and private events at Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, and the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce Streets and State of Franklin Road, scheduled through the Johnson City Development Authority (or through some other entity managing these facilities, including the city itself), if a consideration is charged or money exchanged either to attend the event or for the sale of alcoholic beverages, wine, high alcohol content beer, or beer, the sale, serving, possession, and consumption of alcoholic beverages, wine, high alcohol content beer, and beer are permitted during such hours allowed for such beverages for on-premises consumption, provided that a temporary occasion beer license is obtained from the Board of Commissioners of the City of Johnson City (for beer) and a license is obtained from the Tennessee Alcoholic Beverage Commission (for alcoholic beverages, wine, and high alcohol content beer). Notwithstanding the foregoing, no alcoholic beverages, wine, or high alcohol content beer shall be allowed to be sold, consumed, or possessed in these areas at downtown special events/street festivals, such as the Blue Plum or UMOJA festivals, which have specific regulations as shown below. Caterers holding a valid license pursuant to Tennessee Code Annotated, § 57-4-101 *et seq.* to sell wine, beer, and other alcoholic beverages may cater events authorized by this paragraph without a temporary occasion beer license from the city.

(4) Notwithstanding the provisions of subsection (3) above, retail sales and the consumption of beer shall be allowed at Cardinal Park on Legion Street and Pine Oaks Golf Course on Buffalo Road in the City of Johnson City, except for events involving pre-K through 12th grade institutions.

(5) No person shall be allowed to bring any alcoholic beverages, wine, high alcohol content beer, or beer into Cardinal Park or Pine Oaks Golf Course for the purposes of "brown bagging" or otherwise.

(6) No person shall be allowed to carry beer out of Cardinal Park or Pine Oaks Golf Course. All beer allowed at Cardinal Park shall be consumed within the gates of those premises. All beer allowed at Pine Oaks Golf Course shall be consumed within the course and grounds of those premises.

The new Section 8-102(2)(3)(4)(5), and (6), as amended, is substituted as follows:

(2) For private events that are invitation-only and not open to the public at Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, and the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce Streets and State of Franklin Road, scheduled through the City of Johnson City or another entity that the board of commissioners designates for such purposes, if no consideration is charged or money exchanged for the sale of alcoholic beverages, wine, high alcohol content beer, or beer or to attend the event, the serving (but not sale), possession, and consumption of alcoholic beverages, wine, high alcohol content beer, and beer are permitted during such hours allowed for such beverages for on-premises consumption.

(3) For public and private events at Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, and the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce

Streets and State of Franklin Road, scheduled through the City of Johnson City or another entity that the board of commissioners designates for such purposes, if a consideration is charged or money exchanged either to attend the event or for the sale of alcoholic beverages, wine, high alcohol content beer, or beer, the sale, serving, possession, and consumption of alcoholic beverages, wine, high alcohol content beer, and beer are permitted during such hours allowed for such beverages for on-premises consumption, provided that a temporary occasion beer license is obtained from the Board of Commissioners of the City of Johnson City (for beer) and a license is obtained from the Tennessee Alcoholic Beverage Commission (for alcoholic beverages, wine, and high alcohol content beer). Notwithstanding the foregoing, no alcoholic beverages, wine, or high alcohol content beer shall be allowed to be sold, consumed, or possessed in these areas at downtown special events/street festivals, such as the Blue Plum or UMOJA festivals, which have specific regulations as shown below. Caterers holding a valid license pursuant to Tennessee Code Annotated, § 57-4-101 *et seq.* to sell wine, beer, and other alcoholic beverages may cater events authorized by this paragraph without a temporary occasion beer license from the city.

(4) Notwithstanding the provisions of subsection (3) above, retail sales and the consumption of beer shall be allowed at the baseball stadium owned by the City on Legion Street, the civic center owned by the City on Pactolas Road, and the municipal golf course on Buffalo Road in the City of Johnson City, except for events involving pre-K through 12th grade institutions.

(5) No person shall be allowed to bring any alcoholic beverages, wine, high alcohol content beer, or beer into the baseball stadium on Legion Street, the civic center on Pactolas Road, or the municipal golf course on Buffalo Road for the purposes of "brown bagging" or otherwise.

(6) No person shall be allowed to carry beer out of the baseball stadium on Legion Street, the civic center on Pactolas Road, or the municipal golf course on Buffalo Road. All beer allowed at the baseball stadium shall be consumed within the gates of those premises. All beer allowed at the civic center shall be consumed within the building of those premises. All beer allowed at the municipal golf course shall be consumed within the course and grounds of those premises.

The original Section 8-214(1) reads as follows:

The board of commissioners may grant temporary occasion beer licenses to bona fide charitable, non-profit organizations, and businesses with an on- or off-premises beer license (as long as the on-premises beer licensee does not also hold an on-premises liquor-by-the-drink license from the Tennessee Alcoholic Beverage Commission) for such temporary occasions involving the sale of beer for consumption, or the inclusion of beer for consumption, in conjunction with the sale of other products or food items, or serving beer in conjunction with any temporary occasion for which there is any charge, entrance fee, or request for donation, and upon such terms and conditions as it shall in its sole discretion deem appropriate. Temporary occasion beer licenses are also allowed for Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, and the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce Streets and State of Franklin Road, subject to the restrictions of this Title. No temporary occasion beer licensee shall sell beer for consumption or allow taking beer off of the premises whereon the temporary occasion occurs, unless such is allowed at a special event/street festival. Such permits shall not be issued for longer than one (1) consecutive forty-eight (48) hour period, subject to the limitations on the hours of sale imposed by law.

The new Section 8-214(1), as amended, is substituted as follows:

The board of commissioners may grant temporary occasion beer licenses to bona fide charitable, non-profit organizations, and businesses with an on- or off-premises beer license (as long as the on-premises beer licensee does not also hold an on-premises liquor-by-the-drink license from the Tennessee Alcoholic Beverage Commission and some portion of proceeds from the special event are for the benefit of a bona fide charitable, non-profit organization) for such temporary occasions involving the sale of beer for consumption, or the inclusion of beer for consumption, in conjunction with the sale of other products or food items, or serving beer in conjunction with any temporary occasion for which there is any charge, entrance fee, or request for donation, and upon such terms and conditions as it shall in its sole discretion deem appropriate. Temporary occasion beer licenses are also allowed for Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, and the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce Streets and State of Franklin Road, subject to the restrictions of this Title. No temporary occasion beer licensee shall sell beer for consumption or allow taking beer off of the premises whereon the temporary occasion occurs, unless such is allowed at a special event/street festival. Such permits shall not be issued for longer than one (1) consecutive forty-eight (48) hour period, subject to the limitations on the hours of sale imposed by law.

The original Section 8-215(1) reads as follows:

The board of commissioners may grant special event series temporary occasion beer licenses to bona fide charitable, non-profit organizations, recognized as exempt from federal taxes under 26 U.S.C. section 501(c)(3) or (4), and businesses with an on- or off-premises beer license (as long as the on-premises beer licensee does not also hold an on-premises liquor-by-the-drink license from the Tennessee Alcoholic Beverage Commission) for special event series involving the sale of beer for consumption, or the inclusion of beer for consumption, in conjunction with the sale of other products or food items, or serving beer in conjunction with any special event series for which there is any charge, entrance fee, or request for donation, and upon such terms and conditions as it shall in its sole discretion deem appropriate. Special event series temporary occasion beer licenses are allowed for Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, and King Commons, subject to the restrictions of this Title. No special event series temporary occasion beer licensee shall sell beer for consumption or allow taking beer off of the premises whereon the special event series occurs, unless such is allowed in conjunction with a special event/street festival. Such permits shall not be issued for longer than one (1) consecutive forty-eight (48) hour period, and shall be issued for no more than ten (10) events within the special event series, subject to the limitations on the hours of sale imposed by law. Each event within the special event series shall be consistent in nature of the event, layout of the event, location of the event, and time of operation of the event. Any event included in the special event series that requires revision(s) or modification(s) to the nature of the event, layout of the event, location of the event or time of operation of the event will at that time be excluded from the special event series and a temporary occasion beer license will be required for that event.

The new Section 8-215(1), as amended, is substituted as follows:

The board of commissioners may grant special event series temporary occasion beer licenses to bona fide charitable, non-profit organizations, recognized as exempt from federal taxes under 26 U.S.C. section 501(c)(3) or (4), and businesses with an on- or off-premises beer license (as long as the on-premises beer licensee does not also hold an on-premises liquor-by-the-drink license from the Tennessee Alcoholic Beverage Commission and some portion of proceeds from the special event are for the benefit of a bona fide charitable, non-profit organization) for special event series involving the sale of beer for consumption, or the inclusion of beer for consumption, in conjunction with the sale of other products or food items, or serving beer in conjunction with any special event series for which there is any charge, entrance fee, or request for donation, and upon such terms and conditions as it shall in its sole discretion deem appropriate. Special event series temporary occasion beer licenses are allowed for Founders Park, The Pavilion at Founders Park, The Amphitheater at Founders Park, and King Commons, subject to the restrictions of this Title. No special event series temporary occasion beer licensee shall sell beer for consumption or allow taking beer off of the premises whereon the special event series occurs, unless such is allowed in conjunction with a special event/street festival. Such permits shall not be issued for longer than one (1) consecutive forty-eight (48) hour period, and shall be issued for no more than ten (10) events within the special event series, subject to the limitations on the hours of sale imposed by law. Each event within the special event series shall be consistent in nature of the event, layout of the event, location of the event, and time of operation of the event. Any event included in the special event series that requires revision(s) or modifications(s) to the nature of the event, layout of the event, location of the event or time of operation of the event will at that time be excluded from the special event series and a temporary occasion beer license will be required for that event.

The original Section 8-224(2) reads as follows:

An applicant for a downtown special event/street festival involving the public consumption of beer within the area or part of the area described in subsection (1) above shall apply for a permit using the City of Johnson City's special events application. Events that involve the consumption or sale of beer at Founders Park, the Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, or the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce Streets and State of Franklin Road may also require an application and scheduling through the Johnson City Development Authority or another entity that the board of commissioners designates for such purposes.

The new Section 8-224(2), as amended, is substituted as follows:

An applicant for a downtown special event/street festival involving the public consumption of beer within the area or part of the area described in subsection (1) above shall apply for a permit using the City of Johnson City's special events application. Events that involve the consumption or sale of beer at Founders Park, the Pavilion at Founders Park, The Amphitheater at Founders Park, King Commons, or the pedestrian areas containing flood control measures installed by the city bounded by Roan Street, West Millard Street, Boone/Commerce Streets and State of Franklin Road may also require an application and scheduling through the City of Johnson City or another entity that the board of commissioners designates for such purposes.

The new Section 8-224(17) has been added as follows:

No alcoholic beverages, wine, or high alcohol content beer shall be sold, consumed, or possessed during a special event/street festival within one hundred feet (100') of any school, child daycare center, park, playground, church or other bona fide religious establishment. The said one hundred feet (100') shall be measured from the nearest point of the beer permitted area to the center of the nearest entrance/exit door of any school building, child day care center or church building in a straight line. For playgrounds and parks the one hundred foot (100') measurement shall be from the nearest point of the beer permitted area to the nearest point on the property line bounding the playground or park in a straight line.

SECTION II. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC
MEETING ON THE FIRST
READING 6-17-2021

PASSED IN OPEN, PUBLIC
MEETING ON THE SECOND
READING 7-01-2021

PASSED IN OPEN, PUBLIC
MEETING ON THE THIRD
READING 7-15-2021

APPROVED AND SIGNED IN
OPEN MEETING ON THE 15th
DAY OF July, 2021.

FOLLOWING PASSAGE ON
THIRD READING.

/s/ Joe Wise
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ Sunny Sandos
CITY ATTORNEY