

AGENDA SUMMARY



SUBJECT: Ordinance 4844-23: Third Reading
An Ordinance to suspend Title 8, Chapter 1, Section 102 of the Code of the City of Johnson City, Tennessee (Legal Department)

MEETING: City Commission - Jun 15 2023

DEPARTMENT: Legal

STAFF CONTACT: Sunny Sandos, City Attorney

SUMMARY:

This ordinance is to suspend Section 8-102 of the Code of the City of Johnson City to allow beer consumption and beer sales in Winged Deer Park for the 2023 Meet the Mountains Festival (hereinafter referred to as Festival) on August 18, 2023, and August 19, 2023. The ordinance shall be null and void of no force or effect on August 20, 2023.

The annual Festival is traditionally held in Founders Park. Due to ongoing construction, Founders Park has been closed to the public. The Festival has been temporarily moved to Winged Deer Park for 2023. Visit Johnson City (hereinafter the Organization) has entered into a Facility Use Agreement with Parks and Recreation Department and respectfully requests an ordinance authorizing the consumption of beer and the sales of beer sold by authorized licensed beer vendors in Winged Deer Park by temporarily suspending Title 8, Chapter 1, Section 102 of the Code of the City of Johnson City, Tennessee, and authorize the Organization to apply for a Temporary Occasion Beer License pursuant to Title 8, Chapter 2, Section 214 of the Code of the City of Johnson City, Tennessee.

STAFF RECOMMENDATION:

Staff has reviewed the Ordinance and recommends Commission consideration.

SUPPORTING DOCUMENTS:

[#4844-23 authorizing beer sales at Winged Deer for Meet the Mountains Festival](#)
[Exhibit A Ordinance 4844-23](#)

ORDINANCE NO. 4844-23

AN ORDINANCE AUTHORIZING THE CONSUMPTION OF BEER AND AUTHORIZING THE SALE OF BEER FROM AUTHORIZED LICENSED BEER VENDORS AS SPECIFIED HEREIN AT THE 2023 MEET THE MOUNTAINS FESTIVAL TO TAKE PLACE UPON THE PUBLIC PARK, PUBLIC PROPERTY AND PUBLIC RIGHT OF WAYS AS PARTICULARLY DESCRIBED IN THAT PORTION OF WINGED DEER PARK MORE PARTICULARLY SET FORTH AND DESCRIBED HEREIN NOTWITHSTANDING THE PROVISIONS OF TITLE 8, CHAPTER 1, SECTION 102 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, OR ANY OTHER ORDINANCES OR PARTS OF ORDINANCES HERETOFORE PASSED.

WHEREAS, Visit Johnson City (hereinafter referred to as the “Organization”) is hosting the special event known as the 2023 Meet the Mountains Festival and has requested permission to temporarily close a certain public park, public property and public right of ways to allow the possession, consumption and sales of beer in a public park and on public property or other public right of ways in Permitted Area as herein described in that portion of the Winged Deed Park as more particularly described and set forth on Exhibits “A”; 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, consumption and sales of beer, having an alcoholic content of not more than eight percent (8%) by weight, in a public park and on public property and public right of ways in that portion of Winged Deer Park herein described which is to be purchased from authorized licensed beer vendors with permits from the Organization located in said Permitted 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 consumption of beer and sales of beer set forth in Section 8-102 of the Code of the City of Johnson City, Tennessee, and to allow the Organization to apply for a Temporary Occasion Beer License in accordance to Section 8-214 of the Code of the City of Johnson City, Tennessee, in the Permitted Area shown on Exhibits “A”.

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

SECTION I. That for the purpose of this ordinance, the consumption of beer of no more than eight percent (8%) by weight (defined in Title 57, Chapter 5 of the Tennessee Code) shall be permitted upon the public park, public property and public right of way designated in Winged Deer Park described herein on Exhibit “A” only during the hours between 4:00 p.m. and 10:00 p.m., local time on August 18, 2023, and between 12:00 p.m. and 10:00 p.m., local time, on August 19, 2023. No serving, dispensing, or pouring of beer shall take place outside the Permitted Area described on Exhibit “A”. All cash registers, kegs, and taps shall be confined within the interior walls of the authorized licensed beer vendor tent with permits from the Organization.

SECTION II. 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 in the Permitted Area described on Exhibit "A".

SECTION III. BE IT FURTHER ORDAINED that this section the Organization shall obtain a Temporary Occasion Beer License for this event to be held entirely within the Permitted Area at Winged Deer Park and the closed portion public property and public right of ways as shown on Exhibit "A" pursuant to Section 8-214 of the Code of the City of Johnson City, Tennessee.

SECTION IV. 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 Area described on Exhibits "A".

SECTION V. BE IT FURTHER ORDAINED that only pedestrian traffic and vehicles pertaining to the festival shall be allowed in the Permitted Area described on Exhibits "A" and all other traffic except police, EMS, fire or other such emergency equipment shall be prohibited.

SECTION VI. BE IT FURTHER ORDAINED that the operation of this ordinance shall terminate at 12:00 p.m., local time, on Sunday, August 20, 2023, and thereafter shall be null, void and of no force or effect.

SECTION VII. 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 park, public property and public right of ways for the purpose of holding the 2023 Meet the Mountains Festival and to notify the public that special rules allowing only the consumption of beer within areas herein.

SECTION VIII. BE IT FURTHER ORDAINED that the authorized license holder making the sale shall be responsible at time of purchase for checking all identification in order to ensure legal compliance with the laws pertaining to legal drinking age and that no person shall dispense, pour and serve beer without a current server permit issued by the Tennessee Alcoholic Beverage Commission or a server permit issued by the City of Johnson pursuant to 8-219 of the Code of the City of Johnson City, Tennessee.

SECTION IX. BE IT FURTHER ORDAINED that the Organization and authorized licensed beer vendors shall comply at all times with Title 8 of the Code of the City of Johnson City, Tennessee.

SECTION X. 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 XI. 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 May 18, 2023

PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING June 1, 2023

PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING June 15, 2023

APPROVED AND SIGNED IN OPEN
MEETING ON THE 15th DAY OF
June, 2023

FOLLOWING PASSAGE ON THIRD
READING.

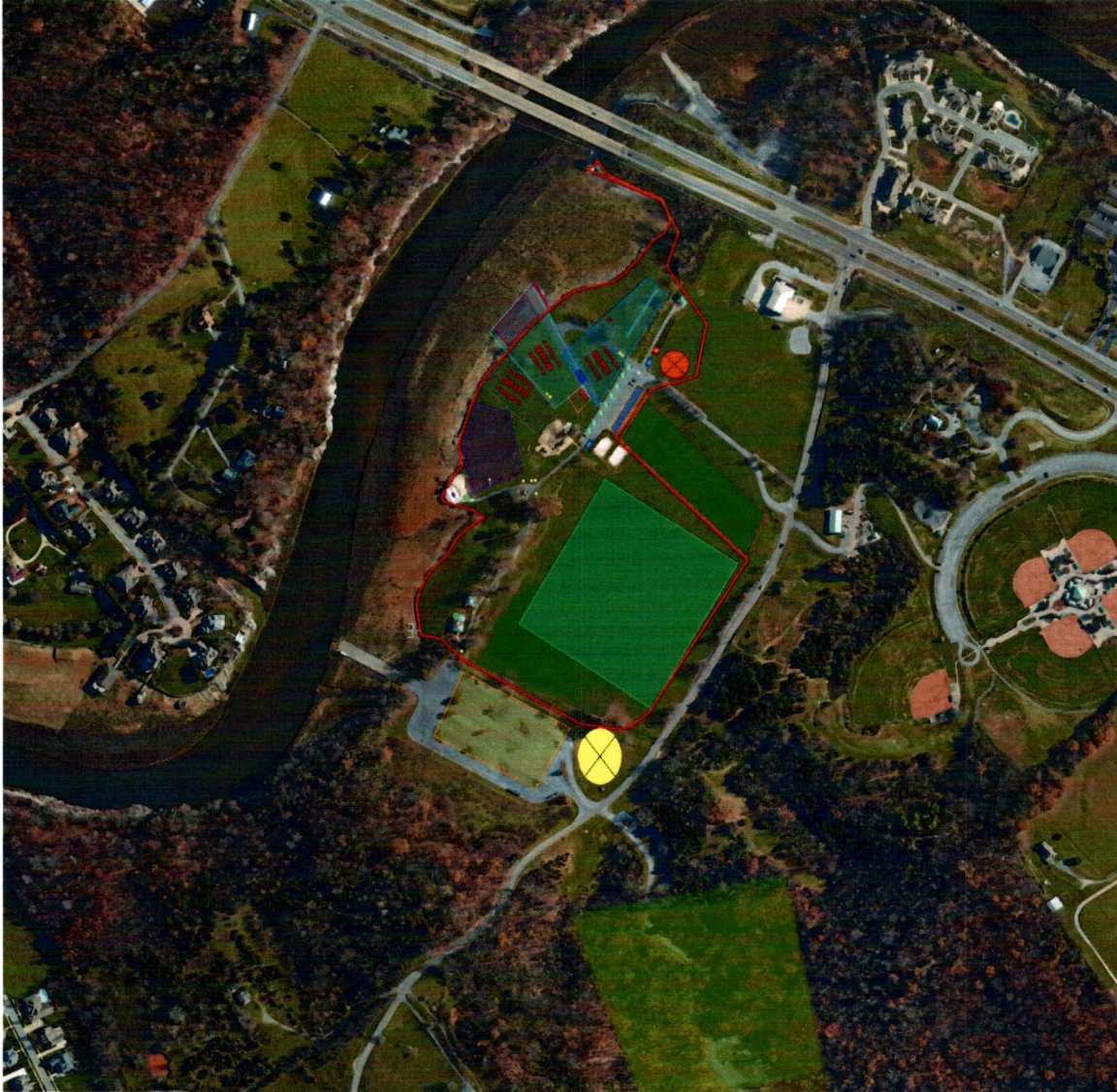

TODD FOWLER, MAYOR

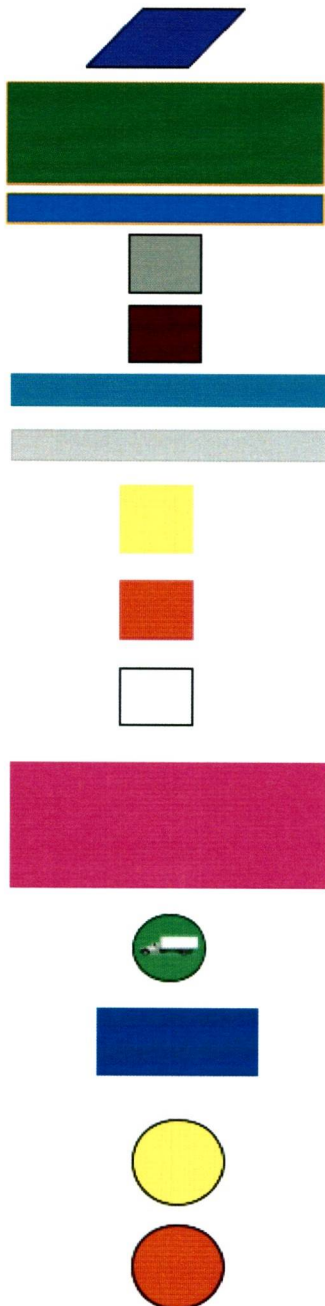
ATTEST:


CITY RECORDER

APPROVED AS TO FORM:


CITY ATTORNEY





- Music Viewing Area
- Parking
- Handicap Parking
- Rock Wall
- Ax throwing
- Zipline
- Concessions area with tables & chairs
- Beer Tent
- Vendor Booths
- Welcome Tent
- Demo Pool in Lake
- Food Trucks
- Air Dogs Pool
- Bike Course
- Motor Vehicle Area - Stationary

