

ORDINANCE NO. 2012-04

**AN ORDINANCE TO AMEND THE LOUDON CODEBOOK
TITLE 8, CHAPTER 2 REGARDING
SPECIAL BEER SALES AND BEER IN PARKS**

WHEREAS, The City of Loudon has authority pursuant to the city's charter Article II, Section 1 (16) to license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law or inconsistent with State licensing procedures; and

WHEREAS, The City of Loudon has authority pursuant to the city's charter Article II, Section 1 (18) to define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City, and to exercise general police powers; and

WHEREAS, The City of Loudon has authority pursuant to the city's charter Article II, Section 1 (19) to prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained; and

WHEREAS, Municipalities are granted broad authorities to regulate the sale of beer within city limits; and

WHEREAS, The City of Loudon already has many regulations regarding the sale of beer; and

WHEREAS, The Loudon City Council wants to permit and regulate the sale of beer for special events at City of Loudon Tate & Lyle Performing Arts Center in Loudon Municipal Park.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Loudon, Tennessee as follows:

SECTION 1. Title 8, Chapter 2 of the municipal code is amended by adding the following as subsection 8-207(4):

Special Event/Temporary Beer Permits: Special event/temporary beer permits must comply with all other regulations found in Title 8, Chapter 2 with the exception of sections 8-205, 8-208 (4) and 8-212. Special event/temporary beer permits are permissible in the city of Loudon with the following additional requirements:

- (1) Permits are valid during city-sanctioned and/or sponsored festivals, celebrations, and events held at City of Loudon Tate & Lyle Performing Arts Center located in Loudon Municipal Park.

(2) Application may be made for a single event or multiple events occurring within 6 months. All dates and times must be firm. Alternate rain dates may also be submitted. No change can be made after approval by the beer board. A new application and application fee must be submitted for any changes to previously approved events or additional events.

(3) Permit applications must be submitted 30 days prior to the start of the event for which a permit is requested.

(4) In addition to the permit application requirements described in 8-203, the following information must be submitted with an application for a special event permit:

(a) The organization applying for the special event permit, contact person, address and phone number.

(b) Date(s) and time(s) of event(s).

(c) The sponsors of the event(s) and the sponsor's contact person's address and phone number.

(d) The specific location where beer is to be sold or served.

(e) The individual(s) with such organization responsible for supervising the sale and dispensing of the beer.

(f) Plans for security and policing the area(s) where beer is sold.

(g) A written statement of approval from the Recreation Director must accompany the special event application.

(h) The name and address of proposed vendor(s) of beer.

(5) Permit applications are valid only for on-premises consumption inside an enclosed and/or fenced area with restricted ingress/egress points.

(6) The sponsors of the proposed event and the applicant shall send a representative or representatives to such City of Loudon Beer Board meeting to address any questions or issues arising out of the proposed special event/temporary permit.

(7) If approved, in addition to the permit holder the special event/temporary permit shall have affixed on its face the name of the proposed vendor(s) of beer, and the date(s) where such vendor is permitted to sell beer under the special event permit.

(8) A unique single beverage container must be used for the serving of beer that is unique from containers used for other beverages.

SECTION 2. Title 8, Chapter 3, Section 301 of the municipal code is amended by adding the following at the end of the sentence: except during special events with temporary special event beer permits as defined in Section 8-207 (4).

SECTION 3. Title 8, Chapter 3, Section 303 of the municipal code is amended by adding the following sentence to the end of the paragraph: During special events at which temporary special event beer permits are issued the signs shall be covered.

SECTION 4. Severability clause. If any section, phrase, sentence or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof.

SECTION 5. Effective Date. This ordinance shall be effective upon final passage.

Recorder

Mayor

First Reading: March 19, 2012

Second Reading: April 16, 2012

Public Hearing: April 16, 2012