

**RESOLUTION 14-R-19** to allow City sidewalks and roads in the Central Business District to be used for possession, use and consumption of beer, wine or other alcoholic beverages by and for the benefit of certain charitable and civic organizations on an experimental basis.

**WHEREAS**, the City's Central Business District is a special and historic area that serves multiple purposes for the community;

**WHEREAS**, the City's Central Business District is the location for many community-wide special events in addition to being a vibrant center for commercial, professional and governmental activities;

**WHEREAS**, the City is willing to consider and experiment with alternative uses of City streets and sidewalks in the Central Business District to support special events organized by and benefiting certain community charitable and civic organizations;

**WHEREAS**, Murfreesboro City Code Section 4-90 prohibits the possession, use or consumption of beer, wine or other alcoholic beverages on City property unless such is specifically authorized under the City's rules as adopted by the Council by resolution;

**WHEREAS**, it is the intent of the Council that this Resolution shall constitute the rules authorizing such possession, use and consumption and exercising the exception in Murfreesboro City Code Section 4-19 (as adopted by Ordinance 12-O-21) and Murfreesboro City Code Section 4-90.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** The City hereby authorizes the closure of public streets within the Central Business District as part of a City special event permit issued to and for the benefit of a non-profit organization tax exempt under Sections 501(c)(3) or 501(c)(6) of the Internal Revenue Code for the purpose of allowing possession, use and consumption of beer, wine and other alcoholic beverages, on the City's streets and sidewalks provided:

- a. Such a special event permit shall be issued a maximum of four (4) times during a calendar year.
- b. The same organization may receive only one such permit per calendar year.
- c. All special event permit applications for the possession, use and consumption of beer, wine or other alcoholic beverages, must be submitted at least ninety (90) days in advance of the event.
- d. Any street closure for this purpose shall be no more than five (5) hours in duration including set up and clean up time.
- e. The organization must hold or receive a beer permit from the City if beer is to be served and a permit from the Tennessee Alcoholic Beverage Commission if wine or other alcohol is to be served.
- f. The organization shall be responsible for complying with any applicable state law or regulation in addition to complying with all of the City's requirements

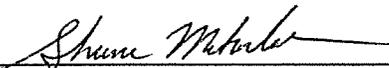
including but not limited to providing street traffic control devices and personnel for each street closure.

- g. The organization shall be responsible for providing appropriate means of identifying persons entitled to participate in the possession and consumption of said alcoholic beverages.

SECTION 2. The policy of allowing City streets to be closed and City streets and sidewalks to be used for beer, wine or other alcoholic beverages as authorized in this Resolution is being commenced on a trial basis. The City has and expressly reserves the right to modify the policy and the right to terminate the policy and to revoke all permits issued for this purpose at any time. No person or entity shall obtain any property (or "vested") right to the possession, use or consumption of beer, wine or other alcoholic beverage on City sidewalks and roads in the Central Business District by obtaining such a special event permit as the City may decide to discontinue the policy in the event any such permit is unsuccessful.

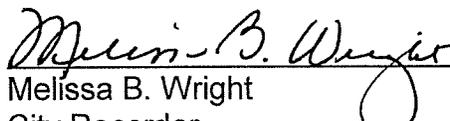
SECTION 3. This Resolution shall be effective immediately, the public welfare and the welfare of the City requiring it.

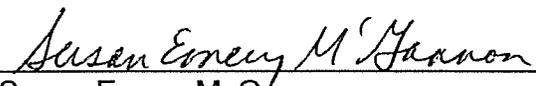
Passed: June 19, 2014

  
Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Melissa B. Wright  
City Recorder

  
Susan Emery McGannon  
City Attorney

ORDINANCE 12-O-21 amending the Murfreesboro City Code, Chapter 4—Alcohol, Section 4-19, regarding possession of beer, wine or other alcoholic beverages on public streets and places.

WHEREAS, the City of Murfreesboro currently prohibits the visible possession of alcoholic beverages on public streets or sidewalks; and,

WHEREAS, the City desires to amend said law to make it more clearly applicable to all such beverages and to more places while allowing for exceptions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. The title of Section 4-19 of the Murfreesboro City Code is changed to "Possession or consumption of beer, wine or alcohol on public streets or places prohibited".

SECTION 2. The text of Section 4-19 of the Murfreesboro City Code is amended to read:

"It shall be unlawful for any person to serve, possess or consume beer, wine or alcohol in any open container in or on any public street, sidewalk, right of way, park, school ground, or other public place or property unless said service, possession or consumption is specifically authorized by a permit or license issued by the City or State. These include but are not limited to licenses for sidewalk cafes and Special Event permits."

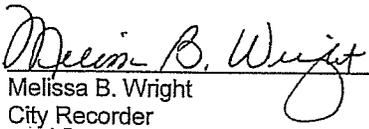
SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

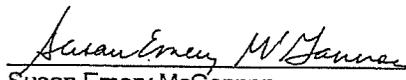
1<sup>st</sup> reading July 12, 2012  
2<sup>nd</sup> reading July 26, 2012  
3<sup>rd</sup> reading August 2, 2012

  
Tommy Bragg, Mayor

ATTEST:

  
Melissa B. Wright  
City Recorder

APPROVED AS TO FORM:

  
Susan Emery McGannon  
City Attorney

SEAL

**SECTION 4-90 BEER, WINE AND OTHER ALCOHOLIC BEVERAGES ON CITY PROPERTY.**

It shall be lawful to possess, use or consume beer, wine or any other alcoholic beverage on any City owned property only if said possession, use or consumption has been authorized by and complies with the City's applicable rules on possession, use or consumption for that property. These rules shall be adopted by the Council by resolution after receiving recommendations from the department and, if applicable, the board or commission, having jurisdiction over the property. These rules may be of general applicability or may be specific to a location or an event. They may, but are not required to, be contained in a lease, use agreement or other contract. They may, but are not required to, be posted on the property.

In the absence of a resolution authorizing the possession, use or consumption of beer, wine or another alcoholic beverage on a specific City property, any such possession, use or consumption is unlawful.

For property owned by the City and leased to another entity, the lessee shall be responsible for enforcing the City's rules for possession, use and consumption of beer, wine and any other alcoholic beverages on the premises and for enforcing applicable laws and regulations of the State of Tennessee and laws of the City.

Under no circumstances are individuals possessing alcoholic beverages allowed to be on the public streets, sidewalks, or other public rights-of-way adjacent to City-owned property unless the alcohol is served by a licensed establishment that adjoins a City sidewalk and has obtained a permit or license to allow its patrons to possess open containers of alcohol and to consume alcohol on the City sidewalk within a clearly defined area. Any person in violation of this section shall be punished in accordance with Code § 1-8.

Nothing in this section shall in any way affect or lessen the rules and regulations governing the possession, use or consumption of alcohol by City employees.

[Ord. No. 81-3 §2, 01-29-81; Ord. No. 85-20 §1, 07-11-85; Ord. No. 00-O-38 §1, 08-10-00; Ord. No. 01-O-45 §39, 09-20-01; Ord. No. 04-O-70 §1, 01-13-05; Ord. No. 05-O-28 §1, 06-02-05; Ord. No. 06-O-58 §1, 10-26-06; Ord. No. 08-O-38 §2, 10-09-08; Ord. No. 10-O-25 §1, 06-10-10]

Editor's Note: this section was initially designated as §21-48.