

# ORDINANCE NUMBER O24-XX-XX

AN ORDINANCE OF THE COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE, AMENDING THE COOKEVILLE MUNICIPAL CODE TITLE 8, ALCOHOLIC BEVERAGES, BY INSERTING A NEW CHAPTER 5, TO BE ENTITLED CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTIES AND PUBLIC STREETS.

ORDINANCE NO. O24-XX-XX  
REQUESTED BY: CITY MANAGER  
PREPARED BY: CITY MANAGER  
APPROVED AS TO FORM AND  
CORRECTNESS:

\_\_\_\_\_  
(City Attorney)

PASSED FIRST READING: \_\_\_\_\_  
PASSED 2ND READING: \_\_\_\_\_  
MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

THE COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE HEREBY ORDAINS:

**Section I.** That Title 8, Alcoholic Beverages, of the Cookeville Municipal Code is hereby amended by inserting a new Chapter 5, entitled Consumption of Alcoholic Beverages on Public Properties and Public Streets, to read as follows:

## CHAPTER 5

### CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTIES AND PUBLIC STREETS

#### SECTION

- 8-501. Special Event Alcoholic Beverage Permit
- 8-502. Eligibility
- 8-503. Authorized Locations
- 8-504. Property/Business Owner Notification
- 8-505. Permit Application
- 8-506. Liability Insurance
- 8-507. Event Requirements
- 8-508. Penalties for Noncompliance

#### **8-501. Special Event Alcoholic Beverage Permit Required**

The consumption of alcoholic beverages on public properties and public streets shall only be permitted with the issuance of a Special Event Alcoholic Beverage Permit complying with the provisions of this Chapter, or at special events in the Cookeville Performing Arts Center and at City of Cookeville conceived and produced events at the Performance Pavilion at Dogwood Park.

#### **8-502. Eligibility**

Only verifiable non-profit organizations are eligible to apply for a special event permit involving the consumption of alcoholic beverages on public property or public streets. For the purposes of this Chapter, "non-profit organization" shall mean any corporation which has been recognized as exempt from federal taxes under Section 501 (c) (3) of the Internal Revenue Code (26 U.S.C. Section 501 (c) (3)).

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## **8-503. Authorized Locations**

A Special event permit for the consumption of alcoholic beverages on public properties and public streets may be only issued for the following locations:

- Putnam County Fairgrounds with the approval of the Putnam County Commission
- Leslie Town Centre including the contiguous parking lot with the approval of the Public Building Authority
- North Cedar Avenue between West Broad Street and West 2<sup>nd</sup> Street
- Depot Street between South Cedar Avenue and South Oak Avenue
- North Oak Avenue between West Broad Street and West 1<sup>st</sup> Street
- West 1<sup>st</sup> Street between South Peachtree Avenue and North Oak Avenue

## **8-504. Property/Business Owner Notification Required**

The non-profit organization applying for a special event permit involving the consumption of alcoholic beverages on public property or public streets shall verify that all property/business owners with frontage along a public street requested to be location of the event have been notified. This verification shall be by property address along the street, or portion of street, to be closed for the event and shall be limited to one (1) authorized representative per property address. Verification can be accomplished through a downtown organization approved by the City Clerk, or the non-profit organization may submit signatures from each address verifying they have been notified.

## **8-505. Permit Application Required**

An application for a special event permit for the consumption of alcoholic beverages on public properties or public streets shall be filed with the office of the City Clerk. The application shall be filed a minimum of sixty (60) days prior to the date of the event. A nonrefundable processing fee of \$100.00 shall be submitted with the application. The following information shall be provided with the application:

- Name of non-profit organization applying.
- Proof of non-profit 501(c) (3) status.
- Name of organization representative responsible for alcohol at the event.
- Copy of responsible representative's government issued photo ID.
- Requested location for the event on public property or a public street.
- Schedule for closing and opening a public street.
- Number of tickets to be sold for alcohol consumption.
- Copy of Tennessee ABC Special Occasion License for events with wine or liquor.
- Certificate of insurance as specified in Section 8-506.
- Verification of Notification by Address as specified in Section 8-504.
- Verification of availability of private restrooms or the provision of portable toilets.

The City Clerk shall review the application and required information for completeness and accuracy and shall notify the applicant within ten (10) business days from the date of submittal if the permit is issued, denied, or whether additional or corrected information is necessary to process the application. If additional or corrected information is required, then the City Clerk shall notify the applicant within ten (10) business days from the date of resubmittal if the permit is issued.

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## **8-506. Liability Insurance Required**

The non-profit organization applying for a special event permit involving the consumption of alcoholic beverages on public property or public streets shall provide proof of liability insurance, including alcohol liability, with a minimum coverage of \$1 million and with the City of Cookeville named as an additional insured.

## **8-507. Event Requirements**

The following requirements shall apply for any special event involving the consumption of alcoholic beverages on public properties or public streets:

- (1) Alcoholic beverages shall only be in non-glass containers.
- (2) The portion of any public street approved for the event shall be partitioned from the portion remaining open with barricades or fencing. Signage shall be installed on the perimeter where alcohol consumption is allowed. Barricades, fencing, and signage shall be provided by the organization responsible for the event.
- (3) Public sidewalks shall remain open and unobstructed and pedestrian access shall not be impeded to any business or residential property located along a public street closed for a special event involving the consumption of alcoholic beverages.
- (4) All events shall be ticketed with the use of arm or wrist bands required for the consumption of alcohol. Cash sales of alcohol by the drink are prohibited.
- (5) The number of tickets sold for any event involving a street closure shall not exceed 2,500.
- (6) Alcohol shall not be served at events before 10:00 AM or after 10:00 PM.
- (7) When approved under the provisions of this Chapter, public properties, other than public streets, may be utilized for an event involving consumption of alcohol for a maximum of seventy-two (72) consecutive hours.
- (8) Alcohol shall not be served to anyone displaying signs of intoxication.
- (9) Pours of liquor and wine shall comply with all applicable state laws.
- (10) For events involving the consumption of wine or liquor, servers shall have their TN ABC Server Permit.
- (11) All trash and debris shall be removed from any public properties or public streets used for an event.
- (12) Portable toilets shall be provided when the availability of private restrooms cannot be verified.
- (13) Event security shall be provided at a ratio of 1 per 250 expected attendees and shall be provided by the non-profit organization. Event security shall be off-duty certified police officers.
- (14) No public street, or portion of public street, shall be closed more than four (4) times during a calendar year and no more than once during any calendar month for an event involving the consumption of alcohol.

## **8-508. Penalties for Noncompliance**

Organizations failing to comply with the provisions of this Chapter, the Cookeville Municipal Code, or any local or state laws; or whose events have created a nuisance; shall not be eligible for to receive a future special event permit involving the consumption of alcoholic beverages on public property or public streets for a minimum of two (2) years. A longer, or even permanent, ban may be established by the City Manager due to severity of municipal code

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violations at an event.

**Section II.** That this ordinance shall take effect 14 days from and after its final passage, the public welfare requiring it.

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Laurin Wheaton, Mayor

ATTEST:

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Darian Coons, City Clerk

DRAFT