

ORDINANCE NO. 12762

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 25, ARTICLE II, SPECIAL GATHERING
PERMIT.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 25, Article II, Special Gathering Permit, is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

ARTICLE II. SPECIAL GATHERING PERMIT¹

Sec. 25-46. Definitions.

- (1) “*Adequate Security*” means the provision of Security Personnel according to a detailed security plan certified in writing by a Tennessee licensed security company to ensure safety for a Special Gathering.
- (2) “*Event Organizer*” means any person or entity that conducts, manages, promotes, organizes, aids, or solicits attendance at a Special Gathering.
- (3) “*Fee*” means anything of value given by person(s) attending the Special Gathering in exchange for any good, service, or privilege associated with the Special Gathering. A Fee includes, but is not limited to, donations resulting in the provision of any good, service, or privilege.

Article II, Beggars’ Permits, Sections 25-46 through 25-50 were repealed by Ord. No. 11536, 03-23-04). Replaced with Special Gather Permit, Sections 25-46 through 25-61 (renumbered to reserve sections for expansion in Article III), by Ordinance No. 12406, § 1, 6-08-10.

- (4) *"Gathering"* means any group of persons together in one place for a common purpose, including but not limited to any assembly, conference, social group, crowd, audience, or meeting.
- (5) *"Operator"* means any person or entity that operates or manages the factory or Premises the facility or location where a Special Gathering is held. The Owner and the Operator may be the same person or entity.
- (6) *"Owner"* means any person or entity that owns the property or Premises where a Special Gathering is held.
- (7) *"Premises"* means:
 - (a) If the Special Gathering is to be held at a structure: any or all of the property that constitutes the facility where the Special Gathering is to be held, including all decks, parking areas, patios, and other outdoor areas that are contiguous to the exterior of the structure to the boundaries of surrounding parcels of real estate; or
 - (b) If the Special Gathering is to be held outdoors: the location designated in the Special Events Application where the Special Gathering is to be held and contiguous areas to the boundaries of surrounding parcels of real estate.
- (8) *"Security Personnel"* means any sworn, Tennessee accredited police officer or any Tennessee security guard registered pursuant to T.C.A. § 62-35-115 employed by a security company that is charged with responsibility for the orderly conduct of individuals attending gatherings.
- (9) *"Special Gathering"* means a Gathering held for either commercial or noncommercial purposes that does the following: (1) continues after 12:00 midnight, (2) has a Fee collected, (3) has beer or other alcoholic beverages present or consumed on the Premises for which a City beer permit or State liquor license is not held or obtained, and (4) either (a) consists of fifty (50) or more persons, or (b) takes place in a facility with an occupancy capacity of fifty (50) or more persons.
- (10) *"Special Gathering Permit"* means a permit properly issued under this Article.

(Ord. No. 12406, § 1, 6-8-10)

Sec. 25-47. Permit Required.

No person or entity shall stage, promote, advertise, hold, or rent a facility for any Special Gathering, unless a Special Gathering Permit has been first obtained from the City of Chattanooga Police Department Regulatory Bureau. The Owner, Operator, and Event Organizer shall be jointly responsible for obtaining a Special Gathering Permit.

(Ord. No. 12406, § 2, 6-8-10)

Sec. 25-48. Application for Special Gathering Permit.

Written application for a Special Gathering Permit shall be made to the City of Chattanooga Police Department Regulatory Bureau. The applicant for a permit for a Special Gathering shall pay to the City an application fee of thirty dollars (\$30.00), for each time and location that a Special Gathering Permit is sought. This fee is non-refundable and shall be in addition to any other fees or taxes specified in this Article. The application shall be submitted at least five (5) business days prior to the date upon which the Special Gathering takes place. Such application shall be on forms provided by the City and shall contain the following information:

- (a) The name, address, and phone number of the person applying for the Special Gathering Permit;
- (b) The name, address, and phone number of the location where the Special Gathering is to be held;
- (c) The name, address, and phone number of the Owner and Operator of the location where the Special Gathering is to be held and of their chief officers;
- (d) The name, address, and phone number of the Event Organizer of the Special Gathering and of its chief officer;
- (e) A certification that the Event Organizer, when acting as applicant, has not within the previous one-year period violated this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages;
- (f) A detailed plan for Adequate Security for the Special Gathering;
- (g) A written statement specifying that the Owner, Operator, and Event Organizer have reviewed and agree to comply with Chattanooga City Code Sections 25-66 through 25-80 as amended regarding noise and that noise resulting from the Gathering shall not be unreasonably audible beyond the Special Gathering's Premises;
- (h) The location, date, and hours during which the Special Gathering is to occur and the expected number of individuals who will be in attendance at the Special Gathering;
- (i) The occupancy limits as established by the Chattanooga Fire Marshall or his or her designee for any building or gathering venue and confirmation that there are procedures in place to ensure that the Special Gathering complies with occupancy limits;

- (j) A certification that there is at the site of the Special Gathering a telephone in compliance with Section 25-53;
- (k) An acknowledgment that all portions of the Premises are available for inspection by any City policeman or inspector; and
- (l) A certification by either the Owner or Operator that the Premises of the Special Gathering has not, within the preceding one-year period, been the site of two or more violations of this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages.

(Ord. No. 12406, § 3, 6-8-10)

Sec. 25-49. Action on Special Gathering Applications.

Upon receipt of a completed application for a Special Gathering Permit, the City of Chattanooga Police Department Regulatory Bureau shall approve or deny the application within three (3) business days and give such applicant written notice of the decision. No permit shall be denied if the application meets the requirements of Section 25-48 unless the following has occurred:

- (1) There has been within the previous one-year period a violation of this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages by the Event Organizer or Operator; or
- (2) There has been within the preceding one-year period two or more violations of this Article, or any provision of a City ordinance or federal or state law regulating the sale, consumption, storage, and/or transportation of beer or other alcoholic beverages at the Premises where the Special Gathering is to be held.

No Special Gathering Permit may be issued for a Special Gathering involving an Event Organizer subject to subsection (1) above until one (1) year has passed from the date of the last violation. No Special Gathering Permit may be issued for a Special Gathering taking place on a Premises subject to subsection (2) above until one year has passed from the date of the last violation. If denied, the reasons for such denial shall be so stated in writing. In the event that an application for a Special Gathering Permit is denied, the applicant shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the denial of the application. The decision of the Beer Board is final, and any party aggrieved thereby may appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5. (Ord. No. 12406, § 4, 6-8-10)

Sec. 25-50. Permit Not Transferable.

No permit issued under the provisions of this chapter shall be transferrable.
(Ord. No. 12406, § 5, 6-8-10)

Sec. 25-51. Hours Regulated.

A Special Gathering Permit expires at 3:00 a.m. The Owner, Operator, and Event Organizer shall provide for the prompt orderly dispersal of those in attendance at the Special Gathering by that time. Any Special Gathering that continues to allow attendance of patrons after 3:00 a.m. shall be subject to immediate closure and dispersal by sworn police officers who respond to any calls to a Special Gathering Premises in the same manner as authorized by Section 25-54. Failure to ensure adherence to this Section 25-51 shall subject the Owner, Operator, and Event Organizer to a violation of this Article.

Sec. 25-52. Minors.

No beer or other alcoholic beverage may be given away to, consumed by, or possessed by any person under the age of twenty-one (21) years on the Special Gathering Premises.

Sec. 25-53. Telephone and Reports of Disorders.

- (a) Owner, Operator, and Event Organizer must ensure that the location where the Special Gathering is held maintains a telephone in good working order that provides direct access to the City's emergency communication telephone line, or 9-1-1, and provides the street address for the Special Gathering location. A cellular or wireless telephone or other communication medium shall not be used as the primary telephone service at the Special Gathering location unless it provides direct access to 9-1-1.
- (b) The Owner, Operator, and Event Organizer are required to report all fights and other public disorders occurring at the Premises immediately to the Chattanooga Police Department, whether or not participants in any such disorder have left the Premises.

Sec. 25-54. Failure to Obtain Permit.

The occurrence of any Special Gathering held without a permit as required by this Chapter is a violation of the Chapter by the Owner, Operator, and Event Organizer and shall be grounds for any sworn law enforcement officer of the City of Chattanooga to immediately terminate the Special Gathering. The Owner, Operator, and Event Organizer shall provide for the orderly dispersal of those in attendance. In the event that a Special Gathering is terminated because of the failure to obtain a permit as required by this Article, the Owner, Operator, and/or Event Organizer shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the denial of the application. The decision of the Beer Board is final and any party aggrieved thereby may appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5.

Sec. 25-55. Revocation of Permit.

Any violation of one or more of the requirements of this Article, Chapter 5 of this Code or any violation of one or more terms, conditions, or requirements of the Special Gathering Permit issued hereunder shall be grounds for immediate revocation of the Special Gathering Permit by any sworn law enforcement officer of the City of Chattanooga. Upon revocation of the Special Gathering Permit by any law enforcement officer of the City of Chattanooga, the Owner, Operator, and Event Organizer shall immediately terminate the event and provide for orderly dispersal of those in attendance. Following the revocation of the Special Gathering Permit by a law enforcement officer, the Owner, Operator, and Event Organizer shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the revocation of the Special Gathering Permit. In the event that the revocation is affirmed by the Beer Board, any party aggrieved thereby may appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5.
(Ord. No. 12406, § 6, 6-8-10)

Sec. 25-56. Additional Violations and Grounds for Revocation of Permit.

It is a violation of this Article and additional grounds for the revocation of a Special Gathering Permit when the Owner, Operator, or Event Organizer:

- (a) Operates a disorderly place; or
- (b) Allows gambling on the Premises; or
- (c) Allows fighting or boisterous or disorderly conduct on the Premises; or
- (d) Allows minors to congregate about the Premises; or
- (e) Furnishes, dispenses, or allows to be used or consumed, any beer or other alcoholic beverages to any person under the age of twenty one (21) years; or
- (f) Denies access to any portion of the Special Gathering Premises to any policeman or inspector;
- (g) Allows any violations of the rules and regulations of the health department;
- (h) Allows litter or debris to accumulate in or around the Special Gathering Premises, including the sidewalks and streets adjacent thereto; and or fails to provide and maintain adequate solid waste containers;
- (i) Allows anyone to leave the Premises with an open container (as defined in Section 5-87(a) of this Code) of beer or other alcoholic beverage;

- (j) Consumes or permits an employee to consume any beer or any other alcoholic beverage while on the Premises, or to be intoxicated while on the Premises;
- (k) Allows any violation of any provision of this Article to occur on the Premises; or
- (l) Does not ensure that the Owner, Operator, or Event Organizer is on the Premises during the duration of the Special Gathering.

Sec. 25-57. Parties in Violation.

Any violation of this Article shall result in a citation against the Owner, Operator, and Event Organizer associated with the Special Gathering and/or the Premises for the violation.

Sec. 25-58. Beer Board Hearing.

The Owner, Operator, and Event Organizer who have been cited for the violation of this Article shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge said violation. In the event that the violation is affirmed by the Beer Board, any party aggrieved thereby may appeal the decision in accordance with Tennessee Code Annotated, Title 57, Chapter 5.

Sec. 25-59. Penalty.

Any violation of this Article shall be punishable by a fine of not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00).

Sec. 25-60. Display of Permit.

The Special Gathering Permit shall be available for inspection during the Special Gathering upon request by any customer, any member of the Chattanooga Police Department, or any person designated by the Mayor or the City Council.
(Ord. No. 12406, § 7, 6-8-10)

Sec. 25-61. Invalidity of Part.

Should any court of competent jurisdiction declare any section, clause, or provision of this Article to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this Article.
(Ord. No. 12406, § 8, 6-8-10)

Sec. 25-62 -- 25-65. Reserved.

(Ord. No. 11536, 03-23-04; Ord. No. 12406, 6-8-10)

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two
(2) weeks from and after its passage as provided by law.

Passed on second and final reading September 3, 2013.

Yusef Hakeem
CHAIRPERSON

APPROVED: DISAPPROVED:

Myra
MAYOR

/mms