

ORDINANCE NO. 150-16

**AN ORDINANCE TO AMEND THE UNION CITY MUNICIPAL CODE
TITLE 8, ALCOHOLIC BEVERAGES, CHAPTER 2, BEER, BY ADDING
A NEW SECTION TITLED "BROWN-BAGGING/BYOB"**

WHEREAS, the City Council of the City of Union City finds based on statistics from The Union City Police Department that there is higher incident of crime in the City of Union City between the hours of 12:00 a.m. and 6:00 a.m. involving businesses that permit "brown bagging" and/or "BYOB" of beer, as the term "beer" is defined in Section 8-201 of the City Code; and

WHEREAS, the City Council of the City of Union City finds that the health, safety and welfare of the citizens in the City of Union City is being compromised as a result of businesses and/or commercial properties that permit "brown bagging" and/or "BYOB" of beer during the hours of 12:00 a.m. and 6:00 a.m.; and

WHEREAS, the public welfare requiring it, it is the express intention of the City Council of the City of Union City to regulate "brown bagging" and/or "BYOB" as is set forth below.

NOW, THEREFORE, be it ordained by the Mayor and Council Members of the City of Union City, Tennessee, that:

SECTION 1: Title 8, Alcoholic Beverages, Chapter 2, Beer, is hereby amended by adding a new section entitled "Brown-Bagging/BYOB" as follows:

- (1) Between the hours of 12:00 a.m. and 6:00 a.m., it is unlawful for any person to consume beer or an alcoholic beverage not lawfully sold by the business on the premises of any business open for business during these hours in the City.
- (2) Between the hours of 12:00 a.m. and 6:00 a.m., it is unlawful for any person to possess an open container of beer or an alcoholic beverage not lawfully sold by the business on the premises of any business open for business during these hours in the City.
- (3) Between the hours of 12:00 a.m. and 6:00 a.m., it is unlawful for any owner of a business and/or commercial property open for business during these hours in the city knowingly or intentionally to permit any person to possess an open container of beer or an alcoholic beverage not lawfully sold by the business or to consume beer or an alcoholic beverage not lawfully sold by the business on the premises of said business and/or commercial property. For the purpose of this section, notice to an agent or employee of a business shall constitute notice to the owner of the business and/or commercial property.
- (4) Between the hours of 12:00 a.m. and 6:00 a.m., the open display by any person on the premises of a business and/or commercial property open for business during these hours of any open container of beer or an alcoholic beverage marked as if for resale and not lawfully sold by the business, shall be evidence of a violation of subsection (3) above.
- (5) This section does not prohibit the sale of beer or alcoholic beverage by any business and/or commercial property that possesses a valid beer permit or alcoholic beverage license during such hours authorized by the laws of the state and the ordinances of the city nor does this section prohibit any other conduct permitted under the laws of the state or the ordinances of the City. This section does not

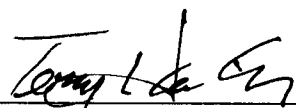
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prohibit the owner of a business and/or commercial property who resides on the premises of the business and/or commercial property from consuming beer or alcoholic beverages at any time on the premises or from possessing an open container of beer or alcoholic beverages at any time on the premises. This section does not prohibit the consumption of beer or alcoholic beverages or the possession of an open container of beer or alcoholic beverages by any person within the confines of the person's individual room in any hotel within the City.


(6) The provisions of this section are severable. If any provision of this section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provisions or application.

SECTION 2: This ordinance shall take effect ten (10) days from and after its passage on second and final reading and after publication in the official City Newspaper.

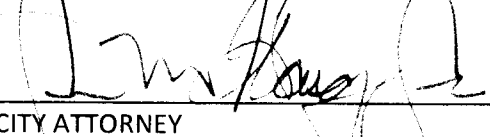
CITY OF UNION CITY, TENNESSEE

BY: 
ITS MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

Passed First Reading July 7, 2015

Passed Second Reading July 21, 2015

Published in Official City Newspaper July 9, 2015

Effective Date July 31, 2015