

First Reading: _____
Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, ARTICLE III, DIVISION 2, TO ADD A NEW SECTION 5-88, RELATIVE TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND BEER IN PARKLET CAFÉS; OPEN CONTAINERS OF ALCOHOLIC BEVERAGES AND BEER IN PARKLET CAFÉS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 5, Article III, Division 2, is hereby amended by adding Section 5-88 as follows:

Sec. 5-88 – Consumption of alcoholic beverages and beer in parklet cafés; open containers of alcoholic beverages and beer in parklet cafés.

- (a) A parklet café shall mean an expansion of a restaurant or bar (the, “establishment”) creating an outdoor dining and/or drinking area on part of the public street right-of-way that immediately adjoins the premises for the purpose of consuming food or beverage prepared at the establishment adjacent thereto. A parklet café must obtain approval from the City Council for temporary use of the public street right-of-way.
- (b) Sections 5-87 and 5-105 of this Code shall not apply to a parklet café if the establishment complies with the following provisions:
 - i. The area of the parklet café shall be clearly defined with a forty-two (42”) inch high (measured from the street asphalt) sturdy barrier such as freestanding sectional fencing, rope, or chain erected on all four sides.
 - ii. The area of the parklet café shall have one clear entrance opening to the sidewalk. The entrance to the parklet café shall be at least forty-eight (48”) inches wide to accommodate a wheelchair but may not be more than sixty (60”) inches wide.
 - iii. Beer and/or alcoholic beverages may be sold and served in the parklet café only if the beer permit and/or alcohol license of the establishment includes the area of the parklet café as part of the establishment’s premises.

- iv. Beer and/or alcoholic beverages may be sold and served only by employees of the establishment and sold or served only to patrons seated in the parklet café.
- v. No beer or alcoholic beverage may be served or consumed on the sidewalk between the establishment’s premises and the parklet café nor may an open container of beer or alcoholic beverage be in the possession of anyone while on the sidewalk between the establishment’s premises and the parklet café other than an open container in the possession of an employee of the establishment while in the process of serving the beer or alcoholic beverage to a patron in the parklet café or while in the process of removing the beer or alcoholic beverage from the parklet café.
- vi. The establishment shall not allow patrons of the parklet café to bring beer or alcoholic beverages into the parklet café, nor to carry open containers of beer or alcoholic beverages about the parklet café area, nor to carry open containers of beer or alcoholic beverages served in the parklet café outside the parklet café area.
- vii. The area of the establishment from which the beer and alcoholic beverages are dispensed shall be located indoors and shall not be located in the parklet café area.
- viii. At times of closing or during times when consumption of beer or alcoholic beverages is prohibited, the establishment shall remove from the parklet café all containers used for or containing beer or alcoholic beverages.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:_____ DISAPPROVED:_____

MAYOR