

1ST READING 6-15-10
2ND READING 6-8-10
INDEX NO. _____

ORDINANCE NO. 12406

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 25, BY ADDING A NEW ARTICLE II TITLED "SPECIAL GATHERING PERMIT", SECTIONS 25-40 THROUGH 25-47, RELATIVE TO PERMITS ON SPECIAL GATHERINGS.

WHEREAS, the City Council of the City of Chattanooga finds based on statistics from the Chattanooga Police Department that there is an increase in the amount of criminal activity in the City of Chattanooga after 11:00pm involving large gatherings of people, which requires increased police resources after this time; and

WHEREAS, the City Council of the City of Chattanooga finds that the health and safety of citizens in the City of Chattanooga is being compromised and citizens could be injured or killed in connection with large gatherings in the City of Chattanooga that are not properly regulated to insure public safety; and

WHEREAS, the City Council of the City of Chattanooga finds that the safety of the citizens of the City of Chattanooga is most compromised late at night and extending into the early morning hours; and

WHEREAS, both the Chattanooga Police Department and Fire Department have indicated to City Council that safety concerns exist in Chattanooga related to large gatherings that occur after 11:00pm.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-40 as follows:

Sec. 25-40. Restrictions on Gatherings.

(a) *Definitions.*

- (1) "*Adequate Security*" means providing a written certification from a Tennessee certified security company as to the requisite number of Security Personnel and procedures required to ensure safety for the gathering along with a detailed security plan that must be implemented for any special gathering.
- (2) "*Adequate Parking*" means providing the number of parking spaces for any gathering based upon the Gross Leasable Area of the building where the gathering is held. One (1) parking space shall be required per each seventy-five (75) square feet of Gross Leasable Area for commercial restaurant usage as set forth in Chattanooga City Code, Chapter 38, Article V, Division 22, Section 38-186, Table 1700.
- (3) "*Event Organizer*" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a commercial or noncommercial special gathering.
- (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) "*Security Personnel*" means any sworn, Tennessee accredited police officer or any Tennessee licensed uniform security guard employed by a security company that is charged with responsibility for the orderly conduct of individuals attending gatherings.
- (6) "*Special Gathering*" means any gathering of fifty (50) or more persons that continues after 11:00pm, in which a fee is charged for admission and where alcoholic beverages are present on the premises or are consumed on the premises and a City beer permit or State liquor license is not obtained for the gathering.
- (7) "*Special Gathering Permit*" means a permit properly issued under this Chapter.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-41 as follows:

Sec. 25-41. Permit Required.

No person shall stage, promote, advertise, hold or rent a facility for any Special Gathering, including any commercial or noncommercial Special Gathering as defined in this chapter, unless a Special Gathering Permit has been first obtained from the City of Chattanooga Business Office for such a gathering.

SECTION 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-42 as follows:

Sec. 25-42. Application for Special Gathering Permit.

Written application for a Special Gathering Permit shall be made to the City of Chattanooga Business Office. The applicant for a permit for a Special Gathering shall pay to the city treasurer an application fee of twenty-five dollars (\$25.00), for each date 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 Chapter. The application shall be submitted at least seventy-two (72) hours prior to the date upon which the Special Gathering is scheduled. 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 or organization applying for the Special Gathering Permit;

(b) A certification that the applicant will be financially responsible for any City fees or costs that may be imposed under any other City Code Sections;

(c) The name, address, and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any;

(d) A detailed security plan providing Adequate Security for the Special Gathering;

(e) A detailed plan for the provision of Adequate Parking for the Special Gathering;

(f) A written statement specifying that they have received 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 venue;

(g) The applicant shall provide the location, date or dates and hours during which the special event is to occur and the expected number of individuals who will be in attendance at the gathering; and

(h) The applicant shall provide the occupancy limits as established by the Chattanooga Fire Marshall or his designee for any building or gathering venue and agree to have procedures in place to ensure that the event complies with occupancy limits.

SECTION 4. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-43 as follows:

Sec. 25-43. Action on Special Gathering Applications.

Upon receipt of a completed application for a Special Gathering Permit, City of Chattanooga Business Office shall approve or deny the application within two (2) business days and give such applicant written notice of the decision. No permit shall be denied if all requirements of Section 25-42 have been met by the applicant. 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 Officer of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such denial seeking an immediate judicial determination of whether such application has been properly denied under law.

SECTION 5. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-44 as follows:

Sec. 25-44. Permit Not Transferable.

No permit issued under the provisions of this chapter shall be transferrable.

SECTION 6. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-45 as follows:

Sec. 25-45. Revocation of Permit or Failure to Obtain Permit.

Any violation of one or more of the requirements of this Chapter or any violation of one or more terms, conditions, or requirements of the Permit issued hereunder shall be grounds for immediate revocation of the Permit by any sworn law enforcement officer of the City of Chattanooga. Upon revocation of the Permit by any law enforcement officer of the City of Chattanooga, the Permittee shall immediately terminate the event and provide for orderly dispersal of those in attendance. Following the revocation of the Permit by a law enforcement officer, the Permittee shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the revocation of the Permit. In the event that the revocation is affirmed by the Beer Board, the Office of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such revocation decision by the Beer Board seeking an immediate judicial determination of whether such application has been properly denied under law.

SECTION 7. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-46 as follows:

Sec. 25-46. Display of Permit.

The 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 City Council.

SECTION 8. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-47 as follows:

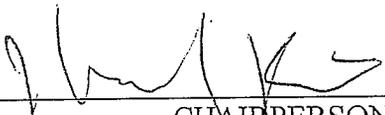
Sec. 25-47. Invalidity of Part.

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.

SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately after its passage.

PASSED on Second and Final Reading

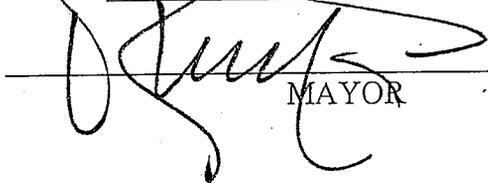
June 8, 2010.



CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 6/16, 2010



MAYOR

CRF/kac