

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

WHEREAS, by City Code §8-805, the City of Oak Ridge prohibits the practice of brown bagging alcoholic beverages exceeding five percent (5%) alcoholic content by weight in establishments with a beer permit; and

WHEREAS, the City desires to expand the prohibition on brown bagging with one exception.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 8, titled, "Alcoholic Beverages," Chapter 8, titled "Beer and Other Light Beverages – Prohibitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-805, titled "Drugs or Liquor on Premises," in its entirety and substituting therefor a new Section 8-805, titled "Drugs on Premises," which new section shall read as follows:

Sec. 8-805. Drugs on premises.

It is unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any prohibited drugs within the meaning of Tennessee Code Annotated §§53-10-101, et seq., and 39-17-401, et seq.

Section 2. Title 11, titled, "Municipal Offenses," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Alcohol, Drugs, Etc.," and substituting therefor a new Chapter 2, titled "Alcohol," which new chapter shall read as follows:

Chapter 2
Alcohol

Sec. 11-201. Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public.

It shall be unlawful for any person to drink, consume or have an open container or bottle of beer, wine, alcoholic beverage, or other intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club unless such place has a current and valid permit or license for on premises consumption of such beverage.

Sec. 11-202. Brown bagging.

It shall be unlawful for any person to bring for consumption any container or bottle of beer, wine, alcoholic beverage or other intoxicating liquor ("brown bagging") in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club. It is similarly unlawful for any person or establishment to allow "brown bagging" to occur on their premises or to fail to take reasonable measures to inform their patrons and customers that "brown bagging" is not allowed upon their premises. Any establishment who promptly reports to

the police a "brown bagging" violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a "brown bagging" violation on its premises shall be presumed to be in violation of the law.

Sec .11-203. Exceptions.

- (1) Generally. The provisions of Section 11-201 and Section 11-202 above are not applicable to any establishment which possesses a current and valid liquor by the drink license from the State of Tennessee.
- (2) On-Premises Beer Permitted Food Service Establishments – Wine. Food service establishments with a current and valid on-premises consumption beer permit issued under the provisions of the City Code may allow patrons and customers to "brown bag" wine—as defined by Tennessee Code Annotated §57-4-102(39)—regardless of whether such food service establishment possesses a liquor by the drink license from the State of Tennessee. For purposes of this subsection, "food service establishment" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals. City Council may, by resolution, establish a permit fee for this exception to the "brown bagging" prohibition.

Section 3. Enforcement of this ordinance shall begin January 1, 2013.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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