

ORDINANCE NO. 12826

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 5, ARTICLE III, DIVISION 2, SECTION 5-87, RELATIVE TO ALCOHOLIC BEVERAGES; AND CHAPTER 35, ARTICLE VII, DIVISION 2, SECTION 35-252, RELATIVE TO PEDAL CARRIAGE OR PEDICABS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 5, Article III, Division 2, Section 5-87, is amended by adding the following new subsection (f):

Sec. 5-87. Consumption of alcoholic beverages and beer prohibited in certain places; open containers of alcoholic beverages and beer prohibited in certain places.

- (f) This section shall not prohibit the consumption of alcoholic beverages with an alcoholic content of not more than five (5) percent by weight on a pedal carriage as defined in City Code § 35-241 provided that the pedal carriage is operated in compliance with City Code § 35-252(h).

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article VII, Division 2, Section 35-252, is amended by adding the following new subsection (h):

Sec. 35-252. Restrictions on the operation of pedal carriage or pedicabs.

- (h) No alcoholic beverages with an alcoholic content of more than five (5) percent by weight shall be consumed by a pedal carriage passenger nor may alcoholic beverages with an alcoholic content of more than five (5) percent by weight be transported on a pedal carriage. Alcoholic beverages with an alcoholic content of not more than five (5) percent by weight lawfully purchased for consumption may be consumed by a pedal carriage passenger under the following conditions:
- (1) No glassware of any kind shall be allowed on a pedal carriage or pedicab including but not limited to bottles, receptacles or drinking glasses.

- (2) Alcoholic beverages as defined in this Section may only be consumed from plastic or foam cups.
- (3) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the sound.
- (4) It is the responsibility of the pedal carriage or pedicab driver to properly dispose of all trash.
- (5) Alcoholic beverages as defined in this Section may be consumed only when the pedal carriage passenger is in or on a pedicab.
- (6) The pedal carriage operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21). If alcoholic beverages as defined in this subsection are present on a pedal carriage, the pedal carriage operator shall not transport persons under the age of twenty-one (21) on the pedal carriage.
- (7) If alcoholic beverages as defined in this subsection are allowed to be consumed on a pedal carriage, the pedal carriage operator shall apply for a permit to allow such consumption from the Chattanooga Police Department Regulatory Bureau. The application fee for such permit is \$25 and the operator of a pedal carriage company shall pay an additional \$25 for each pedal carriage on which alcohol is being consumed. The driver or operator of pedal carriage shall be in possession of the permit referenced in this subsection at all times alcohol is being consumed on the pedal carriage. Additionally, the registration number issued by the Chattanooga Police Regulatory Bureau shall be conspicuously displayed on the rear of the pedal carriage. If a pedal carriage operator fails to operate a permitted pedal carriage for more than 180 days, the permit shall expire.
- (8) If a permit is granted to the pedal carriage operator, the following notice shall be in full display on the pedal carriage:
 - (a) When alcohol is present on this pedal carriage, no persons under the age of 21 shall be allowed on the pedal carriage;
 - (b) Each passenger is asked to drink responsibly; and
 - (c) No passenger is able to take any opened alcoholic beverage container with them when they exit the pedal carriage;

- (9) A pedal carriage or pedicab driver shall not operate a pedal carriage or pedicab while under the influence of alcoholic beverages nor shall the driver consume alcoholic beverages while operating the pedal carriage.
- (10) Any violations of this Section may be enforced as contemplated by City Code §§ 35-254 and 35-256 which may result in revocation or suspension of the operator's certificate of public convenience and necessity.
- (11) This subsection is a pilot program to terminate one (1) year after the subsection becomes effective unless extended by the City Council.
- (12) Pedal carriages that are subject to this Section shall only be able to operate in the Central Business District as defined by the Chattanooga-Hamilton Regional Planning Agency.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: April 15, 2014



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

WAH/KOF/KJR/mms