City of Memphis Prohibition on the Sale of Single Units of beer for Off-Premise Consumption in Certain Areas of Memphis

Draft 5

An ordinance creating an Alcohol Impact Area encompassing a defined area within the Central Business Improvement District (CBID) restricting the sale of single beers for off-premise consumption.

WHEREAS, records and anecdotal information from the Center City Commission, community residents and businesses indicate that the residents, businesses and tourists within the Central Business Improvement District (CBID) are increasingly affected by the effects of chronic public intoxication and illegal activity associated with alcohol sales and consumption, and;

WHEREAS, an important element in the plan to reduce chronic public inebriation and illegal activity is to restrict the availability of alcohol sold to chronic public inebriates in areas where such sales threaten the public's health, safety and welfare as well as that of the chronic public inebriates.

WHEREAS, residents and business owners within the CBID have appealed to the Center City Commission for relief from the adverse effects of chronic public inebriation and illegal activity associated with alcohol sales and consumption in their neighborhoods.

WHEREAS, chronic public inebriation and illegal activity associated with alcohol sales and consumption within the CBID have contributed to the deterioration of the general quality of life and economic vitality within the CBID and threaten the welfare, health, peace and safety of visitors and occupants, as demonstrated by relevant crime statistics, police reports, citizen complaints and other information.

WHEREAS, the Center City Commission requested two convenience store vendors to conduct a voluntary single-serve beer restriction test in March 2009. Said vendors were located within the area bounded by Exchange Avenue on the north, Beale Street on the south, Front Street on the west, and Third Street on the east. At the outset, alcohol related incidents decreased in the immediate areas adjacent to the stores; however, when vendors returned to selling single-serve beers, incidents associated with alcohol violations began to increase. The current City of Memphis open container ordinance has been shown to be ineffective in deterring violators from drinking in public.

Significant problems associated with chronic public inebriation persist in the CBID. Designating this area as an Alcohol Impact Area and initiating efforts to combat chronic public inebriation are essential tools in the overall effort to remedy this problem.

SECTION 1:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS to create the City of Memphis Alcohol Impact Area.

SECTION 2:
PURPOSE

Creating the City of Memphis Central Business Improvement District (CBID) Downtown Alcohol Impact Area will reduce chronic public intoxication and illegal activity in the proposed area and restrict the availability of alcohol to chronic publicly intoxicated persons where such sales threaten the public's health, safety and welfare, as well as that of the chronic publicly intoxicated persons.

DEFINITIONS:

"Alcohol Impact Area" means a geographic area within the city limits of Memphis, Tennessee that is experiencing significant problems with chronic public intoxication or illegal activity associated with alcohol sales or consumption. The City of Memphis Central Business Improvement District Downtown Alcohol Impact Area is further geographically defined in Section 4 "Geographical Area".

"Alcoholic beverage" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patent medicine, or beer where the latter contains an alcoholic content of five percent by weight or less. (Memphis Sec. 7-4-1)

"Beer" means a malt beverage containing one-half of one percent or more of alcohol by volume and not more than five percent of alcohol by weight, and does not include a beverage designated by label or otherwise by a name other than beer.

SECTION 3:

VOLUME REGULATED

a) It is unlawful for any beer or malt beverages to be sold, regardless of container size, in quantities of less than six (6) manufacturer pre-packaged multi-unit quantities per sale.

SECTION 4:
GEOGRAPHICAL AREA OF THE DOWNTOWN ALCOHOL IMPACT AREA defined by the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets: Mill Avenue from the Mississippi River on the west to North Third Street on the east; North Third Street southbound from Mill Avenue to Exchange Avenue; Exchange Avenue eastbound to North Fourth Street; North Fourth Street south to Poplar Avenue; Poplar Avenue eastbound to North Lauderdale Street; North Lauderdale Street southbound to Washington Avenue; Washington Avenue westbound to North Fourth Street; North Fourth Street southbound to Union Avenue; Union Avenue westbound to South Fourth Street; South Fourth Street southbound to Vance Avenue; Vance Avenue westbound to Wagner Street; Wagner Street northbound to Beale Street; Beale Street westbound to Riverside Drive; Riverside Drive northbound to Interstate 40; Interstate 40 westbound to the Mississippi River; and the Mississippi River northbound to Mill Avenue.

Graphic insert:

<u>SECTION 5:</u>
EXCEPTIONS

The provisions of this section shall not apply to the holders of permits for the sale of beer for on-premises consumption, the Beale Street historic district, or individuals and/or organizations acquiring permits for special events.

PENALTIES:
A violation of this section shall be considered due cause to appear at a hearing of the Memphis Alcohol Commission. The Commission, after hearing the facts, may deny, suspend, revoke, or refuse to renew any beer permit issued by the city pursuant to Chapter 4 of the City of Memphis Code of Ordinances.

Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.