

2023-1

**LIMITED CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER
REGARDING OPERATIONS OF ALCOHOL SALES ESTABLISHMENTS ADJACENT TO
STATION STREET IN THE CITY BY MAYOR TIM KELLY FOR THE CITY OF
CHATTANOOGA**

No. 2023-1

WHEREAS, the Tennessee General Assembly has found and declared that the state is vulnerable to a wide range of emergencies, including natural, technological, terrorist acts, and manmade disasters, all of which threaten the life, health, and safety of its people, damage and destroy property, disrupt services and everyday business and recreational activities, and impede economic growth and development pursuant to Tennessee Code Annotated § 58-2-102; and

WHEREAS, pursuant to Tennessee Code Annotated § 58-2-110 (3) and Tennessee Code Annotated § 58-8-104 the Mayor of a municipality has the power and authority to declare a local state of emergency by executive order at any time during the imminent pendency or happening of an occurrence; and

WHEREAS, an occurrence is defined as the imminent threat of an event or an actual event and its aftermath, whether natural or man-made, that could lead to substantial bodily injury or property damage and that could lead to the declaration of a state of emergency under Tennessee Code Annotated § 58-2-102; and

WHEREAS, there have been multiple incidents of violent acts occurring on Station Street involving disorders near closing hours of alcohol sales establishments adjacent to that location over the past several weeks in March and April which have resulted in law enforcement activity that is above normal and has resulted in a strain on resources of the City; and

WHEREAS, as Mayor of the City of Chattanooga I have determined that I should proclaim the existence of a limited civil emergency which has occurred from unlawful assembly and violence by three or more persons acting together without authority or law on Station Street which is in violation of Tennessee Code Annotated § 38-9-101 et. seq.; and

WHEREAS, I have decided to declare a general curfew and issue restrictive orders in the interest of public safety based on my proclamation of a limited civil emergency pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Chattanooga Charter, Article 2.1 in response to multiple violent issues which have occurred in connection with alcohol sales establishment from patrons who are exiting onto Station Street over the past several weekends in March and April of 2023; and

NOW, THEREFORE, I, TIM KELLY, MAYOR OF THE CITY OF CHATTANOOGA, by virtue of the powers vested in me, proclaim that a limited local civil emergency exists in the City of Chattanooga, Tennessee for certain locations on or adjacent to Station Street in downtown Chattanooga and I hereby proclaim, direct, and order the following:

1. All establishments selling alcohol on or adjacent to Station Street shall provide last call for alcohol sales at or before 12:30 AM and provide for closure of the establishments on Station Street at or before 1 AM effective April 21, 2023.
2. No Open Containers with alcoholic beverages shall be allowed on Station Street after April 21, 2023 or on any subsequent closure period during the dates of this restrictive order until this order

is rescinded in writing by the Mayor, but not to exceed fifteen (15) days pursuant to Tennessee Code Annotated § 38-9-103 unless extended by future executive order by the Mayor.

3. This order shall apply to all businesses where beer or alcoholic beverages are served on or adjacent to Station Street includes, but is not limited to STIR Chattanooga, Blue Light Chattanooga, Reagan's Retro Bar, TailGate Brewery, Comedy Catch/Backstage Bar, Westbound Honky-Tonk, The Boneyard, and Songbirds Guitar & Pop Culture Museum.
4. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
5. This Order shall be effective at 1:00 AM on , April 21, 2023, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.
6. PURSUANT TO TENN. CODE ANN. § 38-9-103 the duration of this Civil Emergency Proclamation and Executive Order is limited to fifteen (15) days initially and may be extended, as necessary, in additional fifteen (15)-day increments. It is the intent of this Proclamation and Order to renew these restrictions on alcohol sales and curfew until sufficient safety measures have been submitted to, approved by the Mayor and appropriately implemented by the Chattanooga Chief of Police and relevant Station Street business owners. To the extent that this Order conflicts with any prior Orders by my office this Order shall control. CIVIL

Issued this 20th day of April, 2023, pursuant to Tenn. Code Ann. §§ 38-9-101, et seq. and 58-2-104 and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.



TIM KELLY, MAYOR OF THE CITY OF CHATTANOOGA