

ORDINANCE NO. BL2019-1603

An ordinance to provide for the designation of public property within specified areas of downtown Nashville as a temporary "Special Event Zone" during the time period beginning at six o'clock (6:00) a.m. on June 5, 2019, and ending at midnight (12:00) on June 10, 2019, relative to the use of these areas in conjunction with the 2019 CMA Fest and related activities and events.

WHEREAS, the city of Nashville is hosting the 2019 CMA Fest in June 2019; and

WHEREAS, each year, CMA Fest brings thousands of visitors to Nashville, resulting in millions of dollars of direct visitor spending; and

WHEREAS, the 2019 CMA Fest will have a tremendous positive impact upon Nashville's economy; and

WHEREAS, given the thousands of visitors and media personnel who will be in attendance, it is necessary that certain areas in and around events related to the 2019 CMA Fest be regulated and controlled to provide for the public health, safety, and welfare of the above-mentioned participants; and

WHEREAS, to that end, it is necessary to establish a Special Event Zone area for the temporary time periods and within the specified boundaries designated in this ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. There is hereby established a "Special Event Zone" within the area designated on the map attached hereto and incorporated herein, and whose boundaries are described as follows:

Area 1: 8th Avenue South/Rosa L. Parks Boulevard northward from Korean Veterans Boulevard to Commerce Street; Commerce Street from Rosa L. Parks Boulevard eastward to 2nd Avenue North; 2nd Avenue North from Commerce Street northward to Church Street; Church Street from 2nd Avenue North eastward to 1st Avenue North; 1st Avenue North from Church Street northward to Union Street North; Union Street North/Woodland Street Bridge from 1st Avenue North eastward to the west bank of the Cumberland River; the west bank of the Cumberland River from Union Street North/Woodland Street Bridge southward to Korean Veterans Boulevard; Korean Veterans Boulevard from the west bank of the Cumberland River westward to 8th Avenue South/Rosa Parks Boulevard.

Area 2: The north side of Union Street N./Woodland Street Bridge commencing at the intersection of 1st Avenue North eastward to South 1st Street; South 1st Street from Woodland Street southward to Russell Street; Russell Street from South 1st Street eastward to Interstate Drive; Interstate Drive southward from Russell Street to Shelby Avenue; Shelby Avenue from Interstate Drive westward to Korean Veterans Bridge at the east bank of the Cumberland River; The east bank of the Cumberland River from Korean Veterans Bridge northward to the south side of the John Seigenthaler Pedestrian Bridge; the south side of the John Seigenthaler Pedestrian Bridge from South 2nd Street southwestward to 3rd Avenue South; the north side of the John Seigenthaler Pedestrian Bridge from 3rd Avenue South northeastward to the east bank of the Cumberland River; the east bank of the Cumberland River northward to the south side of the Woodland Street Bridge; the south side of the Woodland Street Bridge westward to the intersection of 1st Avenue North.

Section 2. The Special Event Zone defined in Section 1 hereof shall have a duration beginning at six o'clock (6:00) a.m. on Wednesday, June 5, 2019, and ending at midnight (12:00) on Monday, June 10, 2019.

Section 3. Notwithstanding any other provision of the Metropolitan Code to the contrary, the activities described below on public property or in the public right-of-way within the Special Event Zone conducted by any person or entity, except those approved by both the Metropolitan Government of Nashville and Davidson County and the Country Music Association, Inc. (CMA), shall be regulated as follows:

1. Street vendors with a general vending license issued pursuant to Section 13.08.040 of the Metropolitan Code or other persons with a valid license for such purpose issued by the Metropolitan Government, the sale of any food, beverages, goods, or merchandise shall be prohibited on the public streets, sidewalks, alleys, and rights-of-way. Street vendors shall obtain a "Special Event Zone" permit from the CMA in order to sell within the geographic area listed above. The Metropolitan Department of Public Works shall consult with CMA prior to granting a temporary vending permit to be effective within the Special Event Zone during CMA Fest.
2. No alcoholic beverages shall be provided, served, or sold from any temporary outdoor use except those sanctioned and authorized by the CMA.
3. The sale or distribution of merchandise pertaining to the CMA Fest where it is apparent on its face that the merchandise is not licensed by the CMA, regardless of whether the person selling or distributing is operating pursuant to a valid permit, exception, or exemption provided for in this Ordinance or elsewhere in the Metropolitan Code, shall be prohibited.
4. No tents or membrane structures of any kind shall be erected except for those tents and membrane structures sanctioned and authorized by the CMA or erected by the Metropolitan Government for public safety purposes.
5. The construction, placement, occupation, or use of any temporary structure is prohibited except those sanctioned and authorized by the CMA.
6. The distribution, promotional give-away activity, or provision of free products, services, or coupons (otherwise referred to as "sampling") by persons or entities that are not event sponsors officially sanctioned and authorized by CMA is strictly prohibited, provided this shall not apply to written material given away within any Public Participation Area established pursuant to this Ordinance.
7. Vehicles shall be allowed only as directed by Metropolitan Nashville Police which will include trucks, automobiles, motorcycles, golf carts, bicycles, scooters, skateboards and motorized scooters.
8. No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period.
9. No handguns, rifles or firearms shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period. (Tennessee Code Annotated §39-17-1359).
10. No knives, swords or other fighting devices shall be permitted within the Special Event Zone during the designated Special Events Zone Ordinance time period.
11. No fireworks, firecrackers, or explosive devices of any type shall be permitted within the Special Event Zone during the designated Special Event Zone Ordinance time period except Event-related exhibitions permitted by CMA.
12. The Special Event Zone shall be a "no fly zone" during the designated Special Event Zone Ordinance time period and include take off, flying and landing of craft, including without limitation, unmanned aerial vehicles (so-called "drone" aircraft).

Section 4. Nothing in this Ordinance shall be construed as a repeal or suspension of any existing laws prohibiting or governing the issuance of permits outside of the "Special Event Zone" geographical

boundaries. Further, nothing in this Ordinance shall be construed as granting a waiver to CMA from all licensing and permitting requirements of the Metropolitan Code necessary for the public health, safety, and welfare.

Section 5. One or more Public Participation Areas shall be established by the Metropolitan Government within the Special Event Zone while the Special Event Zone Ordinance is in effect. Each Public Participation Area shall allow for the reasonable expression by the public in a manner that shall not be disruptive to the 2019 CMA Fest, activities and events. Public Participation Areas shall be provided for during such reasonable times, and in such reasonable locations within the Special Event Zone as to allow for meaningful and effective expression by the public.

Section 6. If any of the provisions of this Ordinance are for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, and those remaining portions shall be and remain in full force and effect.

Section 7. It is the intention of the Metropolitan Council that the Metropolitan Nashville Police Department focus its enforcement efforts upon preserving the peace and securing the safety of the CMA Fest participants while the Special Event Zone is in effect.

Section 8. This Ordinance shall take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Freddie O'Connell
Member of Council