



Memphis City Council Summary Sheet

AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE III OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO EXEMPT CERTAIN VEHICLES FROM THE OPEN CONTAINER LAW

- This item is an ordinance to allow passengers in vehicles that operate as party buses or limousines to consume alcoholic beverages or beer .
- The Council passed the open container law pursuant to T.C.A. 55-10-416. It was brought to the attention of Councilman Morrison that the law adversely impacted specific businesses.
- This is an amendment to an ordinance.
- No contracts, expenditure of funds, or budget amendments are required.

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE III OF THE CITY OF MEMPHIS
CODE OF ORDINANCES TO EXEMPT CERTAIN VEHICLES FROM
THE OPEN CONTAINER LAW**

WHEREAS, the Memphis City Council exercised its authority to enact new traffic ordinances based on Tennessee Code Annotated 55-10-416 (c), which authorizes a municipality by ordinance, to prohibit the passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer in an open container during the operation of the vehicle by its driver and impose penalties for violation of the ordinance; and

WHEREAS, there are certain businesses that operate vehicles for entertainment purposes where patrons would consume alcoholic beverages or beer in an open container during the operation of said vehicle; and

WHEREAS, it is not the intention of the Memphis City Council to restrict or hinder businesses that offer this kind of service via party buses or limousines.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

SECTION 1. That Chapter 21, Article III is hereby amended to add the following:

Sec. 21-134.5. Open container law.

(D) This section shall not apply to passengers in commercial vehicles used as party buses or limousines.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Bill Morrison
Councilman

Myron Lowery
Chairman