

ORDINANCE NO. 1450

**AN ORDINANCE TO PROHIBIT RESALE OF ENTERTAINMENT ADMISSION
TICKETS OR TOKENS**

WHEREAS, in recent years, the City of Manchester has experienced a dramatic increase in the public offering for resale of tickets, passes, admission cards, tokens, access bracelets and other evidences of entitlement to admission to entertainment events; and

WHEREAS this increase has resulted in the occupation of scarce law enforcement resources to investigate claims of fraudulent tickets, passes, admission cards, tokens, access bracelets and other evidences of entitlement to admission being sold and/or offered for sale to members of the public; and

WHEREAS the City of Nashville experienced a number of claims of fraudulent tickets to the recent SEC Basketball Tournament; and

WHEREAS, in order to protect the public and to conserve valuable law enforcement resources, the Board of Mayor and Aldermen of the City of Manchester believes it in the best interest of the City to ban the public resale of tickets, passes, admission cards, tokens, access bracelets and other evidences of entitlement to entertainment events.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF MANCHESTER, TENNESSEE that the following be added to Manchester Municipal Code:

“Public Resale of Tickets Banned

It shall be unlawful for any person or entity to publicly offer for resale within the City of Manchester any ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to an entertainment event. Any person or entity violating this provision shall be fined \$50 for each such ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to entertainment events in his or her possession and shall forfeit each such ticket.”

Public Resale of Tickets Defined

Public resale of tickets is defined as the offering for sale, solicitation for sales or actual sale to a member of the public of a ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to an entertainment event. It includes all such offers, solicitations or actual sales except an isolated sale of a ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to entertainment events.

In determining whether the sale is an isolated sale, the Court can consider the public nature of the offer or solicitation or the public context of the sale; whether the transaction is offered on an indiscriminate basis; under what conditions the seller acquired the ticket(s); the number of tickets possessed by the seller and what motivated the sale (including but not limited to the reason the seller is not using the ticket himself).

It is the intent of this section to prohibit the resale of tickets for commercial purposes and not to prohibit the sale of tickets by one who intended to attend the event when he/she purchased the tickets; but, due to unforeseen circumstances, it became inconvenient or impossible to attend or if the tickets to be resold were part

of a group of tickets (such as season tickets) and the seller simply did not wish to attend certain events.

Tickets in Possession Subject to Forfeiture

Any tickets in the possession of any person found to have violated this section shall be forfeited by such person.

Upon citing any person for violation of this section, the officer shall immediately seize and hold all tickets in such person's possession. The person may obtain return of the tickets by posting a cash bond in double the face value of the tickets. If the person is found not guilty, the Court shall return the tickets or the bond in full. If the person does not appear for the Court hearing, the tickets or the total amount of the bond shall be forfeited. If the person is found guilty, the Court can return all or a portion of the bond as the Court deems appropriate to promote the intent of this ordinance.

BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE that this Ordinance shall take effect on and after its publication and passage, the public welfare of the City of Manchester, Tennessee requiring it.

PASSED FIRST READING: _____ March 17 _____, 2015

PASSED SECOND READING: _____ April 7 _____, 2015

PASSED THIRD AND FINAL READING: _____ April 21 _____, 2015

Signatures on Original in File