

ORDINANCE 2019-32

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 1 and 2 OF THE FRANKLIN MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGE RESIDENCY REQUIREMENTS AND BEER ALCOHOL CONTENT.

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to regulate the business of selling, storing, transporting, distributing, purchase or possess alcoholic beverages within the corporate limits of the City of Franklin except in accordance with the provisions of Tennessee Code Annotated, title 57, chapter 3, and rules and regulations promulgated thereunder; and

WHEREAS, on March 7, 2019, the Tennessee General Assembly Adopted Amendment #1 to Tennessee Code Annotated § 57-3-213(d), effective August 1, 2019, which removes the requirement of licensees from presenting certificates of compliance to local government for annual renewal; and

WHEREAS, on March 18, 2019, the Tennessee General Assembly Adopted HB 683 which removes the requirement of licensees from residing within the county and the certificate remains valid unless there is a change of ownership or location; and

WHEREAS, on May 1, 2014, the Tennessee General Assembly passed Public Chapter 0861, which revised Tennessee Code Annotated § 57-5-101(b) and changed the definition of “beer” from beverages having an alcoholic content of not more than 5% to beverages having an alcoholic content of not more than 8%, and such change was effective January 1, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:

SECTION I. That Title 8, Chapter 1, Section 102 (2) of the Franklin Municipal Code is hereby amended to read as follows:

(2) *Certificate or certificate of compliance* means the certificate required pursuant to Tennessee Code Annotated, §§ 57-3-208 or 57-3-806, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this article for issuance of such a certificate. Once signed by the City, must be submitted by the applicant to the Tennessee Alcoholic Beverage Commission. Once signed by the City, must be submitted by the applicant to the Tennessee Alcoholic Beverage Commission.

SECTION II. That Title 8, Chapter 1, Section 105 (1) of the Franklin Municipal Code is hereby amended to read as follows:

(1) Retail liquor stores. Any person intending to apply for a state license for a retail liquor store shall first apply for a certificate of compliance from the city, pursuant to Tennessee Code Annotated, § 57-3-803. The application for a certificate shall be in writing on a form furnished by the city recorder. The application shall identify the name and address of the owner of the property for which the certificate is sought and shall be accompanied by evidence that the owner has agreed to allow the proposed retail store to be operated on the property upon issuance of a license. Applications will be considered in the chronological order in which they are received, and no consideration will be given to the fact that other applications have subsequently been received. The certificate shall be granted or denied by the board of

mayor and aldermen within 60 days after the application for the certificate is submitted to the city recorder and, if granted, shall be signed by the mayor or a majority of the board of mayor and aldermen. A certificate of compliance for a retail liquor store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six months of the date of the certificate, or if the retail liquor store for which a certificate was granted is not in operation within 12 months following the issuance of the certificate; provided, however, that the board of mayor and aldermen may, upon written request of the applicant, extend the expiration date of a certificate for up to three additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted, and all applicable requirements of this article are met at the time the new application is received.

SECTION III. That Title 8, Chapter 1, Section 110 of the Franklin Municipal Code is hereby amended to read as follows:

Sec. 8-110. - Residency requirement for managing agents and licensees. (Deleted, reference US Supreme Court No. 18-96 and Tenn. Code Ann. § 57-3-204)

SECTION IV. That Title 8, Chapter 1, Section 112 of the Franklin Municipal Code is hereby amended to read as follows:

Sec. 8-112. - Transfer of licenses restricted.

The holder of a license may not sell, assign, or transfer such license to any other person. Licensees who are serving in the military forces of the United States in the time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section.

SECTION V. That Title 8, Chapter 1, Section 118 of the Franklin Municipal Code is hereby amended to read as follows:

(1) No retailer shall hold more than 50 percent of the licenses authorized for issuance by the City of Franklin, Tennessee.

(2) No retailer shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away such beverage to any person accompanied by a person who is drunk.

(3) No retailer shall sell, lend, or give away any alcoholic beverages to a person under 21 years of age.

(4) No retail store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of eight o'clock a.m. (8:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Monday through Saturday and between ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday.

(5) No retailer shall sell, lend, or give away any alcoholic beverages on Christmas Day, Thanksgiving Day, or Easter.

(6) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

SECTION VI. That Title 8, Chapter 2, Section 202 (1) of the Franklin Municipal Code is hereby amended to read as follows:

(1) *Beer* shall mean beer, ale, or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent by weight, except wine as defined in Tenn. Code Ann., § 57-3-101.

SECTION VII. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric S. Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING
PASSED SECOND READING:

