

Ordinance No. 16-1

An Ordinance to Amend Chapter 6 of the Code of Ordinances Relating to Alcoholic Beverages by Providing for Retail Food Store Wine Licenses, Amending the Definition of Beer, and Amending Section 6-76 relating to Certificates of Compliance

BE IT ORDAINED by the City of Bristol, Tennessee:

1. That Chapter 6 of the Code of Ordinances, relating to Alcoholic Beverages is hereby amended by the addition of a new Article IV, Wine Sales in Retail Food Stores, as set forth on the attached *Exhibit A*, which is hereby incorporated by reference.
2. That, effective January 1, 2017, Section 6-142 of the Code of Ordinances shall be amended so that the definition of "Beer" reads in its entirety as follows:

Beer means all beers, ales and other **malt beverages, or any other beverages** having an alcoholic content of not more than **eight** percent by weight, other than wine, as such term is defined in T.C.A. § 57-3-101.

3. That, effective January 1, 2017, Section 6-26 of the Code of Ordinances shall be amended so that the definition of "Alcoholic Beverage or Beverage" reads in its entirety as follows:

Alcoholic beverage or beverage means alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits or wine capable of being consumed by a human being, other than patent medicine, and beer where the latter contains an alcoholic content of **eight** percent by weight, or less. Notwithstanding any provision to the contrary in this chapter, "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol irrespective of alcoholic content. Notwithstanding the provisions of this definition, products or beverages containing less than one-half of one percent alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages and shall not be subject to regulation or taxation pursuant to this chapter.

4. That, effective January 1, 2016, Section 6-143 shall be amended so that part (a) reads in its entirety as follows:

There is hereby created a board to be known as the beer board, which shall be composed of five members appointed by the city council. It shall be the duty of the board to regulate, supervise and control the issuance, suspension and revocation of permits to sell,

store, distribute, dispense, serve and/or manufacture beer and other beverages of like alcoholic content not in excess of **eight** percent by weight in the city. Members of the board shall in no way be connected with the sale, storage, distribution or manufacture of beer.

5. That, effective January 1, 2017, Section 6-144 of the Code of Ordinances shall be amended so that it reads as follows:

It shall be lawful in the city to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than **eight** percent by weight, and/or any other beverage of like alcoholic content, except wine, as defined in T.C.A. § 57-3-101, subject to the provisions of this article and the privilege taxes provided in this Code. However, it shall be unlawful for any person to sell, store, dispense, serve, distribute and/or manufacture any of the beverages regulated by this article within the city without having first obtained a duly issued permit to do so in the manner prescribed in this article. A restaurant, tavern or club that has submitted an application to the beer board and has a permit to sell alcoholic beverages, as provided by T.C.A. § 57-4-201, shall have a permit to sell beer on-premises and shall be exempt from sections 6-145 through 6-147 with the provision that an application must be submitted to the beer board accompanied by the application fee.

6. That, effective January 1, 2017, Section 6-147 of the Code of Ordinances, dealing with Beer Permits, shall be amended so that Paragraph (5) reads as follows:

Permits shall be issued only to persons of good moral character who have not been convicted within the past ten years of a violation of any laws or ordinances against manufacturing, selling, transporting, storing or possessing intoxicating liquor of alcoholic content in excess of five percent by weight, **or, for offenses committed on or after January, 1, 2017, in excess of eight percent by weight**, and who have not been convicted of a felony within the past ten years.

7. That, effective January 1, 2017, Section 6-156 of the Code of Ordinances, dealing with Revocation and Suspension of Permits, shall be amended so that Paragraph (a)(3) reads as follows:

(3) Is convicted of any violations of the laws of the United States or of the state or of the ordinances of any city prohibiting the manufacture, sale, possession, storage or transportation of intoxicating liquors of alcoholic content of more than five percent

by weight, or, for offenses committed on or after January, 1, 2017, in excess of eight percent by weight;

8. That, effective January 1, 2017, Section 6-76 of the Code of Ordinances, dealing with Certificates of Compliance for Retail Liquor Stores, shall be deleted in its entirety and replaced with the following:

Each applicant for a certificate of compliance shall file with the city manager a completed, written, and attested application on a form to be provided by the city manager, which shall contain all of the information required by the city manager or by T.C.A. Title 57, Chapter 3, Part 2, as amended. The application required in this section shall be verified by the oath of the applicant. If the applicant is an entity, the application shall be verified by the oath of the executive officer or manager of such applicant.

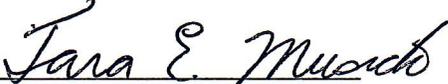
This Ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.

WHEREUPON, Mayor Powers declared the Ordinance adopted, affixed her signature and the date thereto, and directed that the same be recorded.



Lea Powers, Mayor

Date: March 1, 2016



Tara E. Musick, City Recorder

Approved as to Form and Legality
this 27th day of January, 2016



Danielle S. Kiser, City Attorney

Passed on 1st Reading:
Passed on 2nd Reading:

2/2/16
3/1/16

EXHIBIT A

Article IV – Wine Sales in Retail Food Stores

Section 6-170. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“*Certificate*” shall mean the Certificate of Good Moral Character, Zoning, and Approved Sales of Wine described in Rule 0100-11-.01 of the Rules of the Alcoholic Beverage Commission of the State of Tennessee.

“*Commission*” means the State of Tennessee Alcoholic Beverage Commission.

“*Retail food store*” means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in § 67-6-228(a) and has retail floor space of at least one thousand two hundred square feet (1200 sq. ft.).

“*Wine*” means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climactic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product shall be called “wine” unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. “Wine” does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additives.

Section 6-171. Application for certificate.

An applicant or applicants for a retail food store wine license shall file with the city manager a completed, written, and attested application on a form to be provided by the city manager, which shall contain all of the information required by the city manager. The application required in this section shall be verified by the oath of the applicant. If the applicant is an entity, the application shall be verified by the oath of the executive officer or manager of such applicant.

Section 6-172. Issuance of certificate; appeal.

Within sixty (60) days of the date of the City’s receipt of the written application for a certificate, the mayor or a majority of the city council may either grant or deny the applicant’s request for the certificate. If the application is approved, the certificate shall be signed by either the mayor or a majority of the city council. If neither the mayor nor a majority of the city council acts to grant or deny the written application within such sixty (60) day period, then the certificate shall be deemed granted.

The certificate shall be valid for one hundred-eighty days (180) from the date of issuance, and shall state on its face the date of its expiration.

An applicant may seek review of the denial of a certificate by instituting an action in the chancery court for Sullivan County, Tennessee within sixty (60) days of the denial.

Section 6-173. Persons ineligible for certificate.

A certificate shall not be issued to:

- (1) An applicant or applicants who, within the ten (10) years immediately preceding the date of the filing of the application have been convicted of a felony; and
- (2) A corporation, limited liability company or partnership, if within ten (10) years preceding the filing of the application, any of the executive officers or those in control of the corporation, limited liability company, or partnership have been convicted of a felony.