

Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

Meeting: 12/11/18 07:00 PM

Department: Legal

Category: Amendment

Prepared By: Stefanie McGee

Department Head: Ed McKenney

ADOPTED

ORDINANCE

Ordinance 18-08, an ordinance to amend Title 8, Chapters 1, 2, and 3, Sections 8-101(1)(a) and (b), 8-202, 8-212, 8-216, 8-219, 8-306, and 8-310 of the Codified Ordinances.

WHEREAS some of the provisions of Title 8, Chapter 1 (Alcoholic Beverages), Chapter 2 (Intoxicating Liquors), and Chapter 3 (Beer) of the Codified Ordinances of the City of Bartlett are obsolete or otherwise inadequate; and

WHEREAS the Board of Mayor and Aldermen of the City of Bartlett, Tennessee, desire to amend said Chapters and Sections.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, THAT:

Section 1. That Section 8-101(1) Definitions, subsections (a) and (b), be amended to read as follows and that a new subsection (d) be added:

8-101. Definition of “alcoholic beverages.” As used in this chapter, unless the context dictates otherwise:

- (a) “Alcoholic beverage,” as set forth in Tennessee Code Annotated Section 57-3-101(a)(1), means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, liquor, wine, or high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as the latter is defined in Tennessee Code Annotated Section 57-5-101(b) and in Section 8-101(b) below.
- (b) “Beer,” as set forth in Tennessee Code Annotated Section 57-5-101(b), means and includes all beer, ales, and other malt liquors having an alcoholic content of not more than eight percent (8%) by weight, other than wine as defined in Tennessee Code Annotated Section 57-3-101; provided, however, that no more than 49% of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol. (Ord. #77-2, Feb. 1977, modified)
- (c) No changes.
- (d) “High alcohol content beer,” as set forth in Tennessee Code Annotated 57-3-101(a)(8), means an alcoholic beverage which is beer, ale or other malt beverage having an alcoholic content of more than eight percent (8%) by weight and not more

than twenty percent (20%) by weight, except wine as defined in Tennessee Code Annotated Section 57-3-101; provided, that no more than 49% of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

Section 2. That Section 8-202 Definitions, shall be amended to read as follows:

8-202. Definitions. “Alcoholic beverage” or “beverage,” as used in this chapter, means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, liquor, wine, or high alcohol content beer and capable of being consumed by a human being, other than patent medicine and beer, as the latter is defined in Tennessee Code Annotated Section 57-5-101(b) and Section 8-101(b) above.

Section 3. That Section 8-212, Only one establishment to be operated by retailer, shall be amended to add the following sentence at the end of said Section:

This section shall not apply to the sale of wine in a retail food store which is eligible for the issuance of a retail food store wine license by the alcoholic beverage commission of the state, pursuant to Tennessee Code Annotated, title 57, chapter 3, part 8 and which has been issued a certificate of compliance as set forth in Tennessee Code Annotated Section 57-3-806.

Section 4. That Section 8-216, Zoning restriction of alcoholic beverage retailers established, shall be amended to change “five percent (5%) to eight percent (8%).”

Section 5. That Section 8-219, Hours of sale, shall be deleted in its entirety and shall read as follows:

8-219. Hours of sale.

- (a) Any retailer that is permitted by the state to sell liquor or wine for on-premise consumption shall also be allowed to sell beer during the hours set forth in Tennessee Code Annotated Section 57-4-203, provided that the establishment has lawfully obtained a beer permit as required by this chapter;
- (b) For beer permit holders, the hours within which the sale of beer shall be permitted shall be from 8:00 a.m. to 3:00 a.m. Monday through Saturday, and from 10:00 a.m. Sunday until 3:00 a.m. on Monday. No beer or other alcoholic beverage shall be consumed or open for consumption on or about any premises licensed by this chapter for on-premise consumption in any glass, bottle, can, or other container after 3:15 a.m.
- (c) Retail package liquor stores may remain open between 8:00 a.m. and 11:00 p.m. Monday through Saturday, and between 10:00 a.m. and 11:00 p.m. on Sundays. The

sale of alcoholic beverages by retail package liquor stores is prohibited on Christmas, Thanksgiving and Easter.

- (d) Retail food stores may sell, give away, or otherwise dispense wine between 8:00 a.m. and 11:00 p.m. Monday through Saturday; and, effective January 1, 2019, retail food stores may sell, give away, or otherwise dispense wine on Sundays from 10:00 a.m. until 11:00 p.m. The sale of alcoholic beverages by retail food stores is prohibited on Christmas, Thanksgiving and Easter

Section 6. That Section 8-306, “Beer” defined, shall be modified to read as follows:

8-306. “Beer” defined. The term “beer” as used in this chapter shall mean an include all beers, ales and other malt liquors having an alcoholic content of not more than eight percent (8%) by weight. (Ord. #74-5, March, 1974, modified)

Section 7. That Section 1-310(2) Prohibited conduct or activities by beer permit holders, shall be modified to read as follows:

Section 8-310(2) Sell, serve, give away or otherwise allow the consumption of beer between the hours of 3:00 A.M. and 8:00 A.M. on Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. (Ord. #74-5, March 1974, as amended by Ord. #91-16, Oct. 1991, modified, and amended by Ord. #13-04, May 2013, modified)

Section 8. Severability

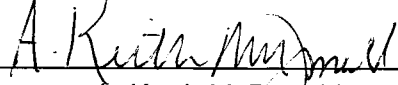
Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

Section 9. Effective Date. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

First Reading:	November 13, 2018
Second Reading:	November 27, 2018
Third Reading:	December 11, 2018



W. C. Pleasant Register to the Board
of Mayor and Aldermen



A. Keith McDonald
Mayor

ATTEST: 

Stefanie McGee
City Clerk

RESULT:	APPROVED ON THIRD AND FINAL RE [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	David Parsons, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young