

SUBSTITUTE ORDINANCE NO. BL2021-1011

An Ordinance to amend Chapter 7.08 of the Metropolitan Code of Laws pertaining to the sale of beer and beer permits and Chapter 7.24 of the Metropolitan Code of Laws pertaining to alcoholic beverage use restrictions.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 7.08.010 of the Metropolitan Code of Laws is hereby amended by adding the following definitions in alphabetical order:

“BYO Beer” is beer that may be brought by a customer to be stored, opened and consumed on a pedal carriage, horse drawn carriage, or entertainment transportation vehicle with a managed BYO beer permit at an MTLC-regulated establishment; but not wine, spirits or beer having an alcoholic content of more than eight percent by weight.

“Food Truck” means a licensed vehicle or trailer that is capable of movement, is permanently enclosed and has a service window for the sale and service of meals that are regularly prepared in the vehicle or trailer.

“Food Truck beer permit” means a retailer’s on-sale permit issued by the metropolitan beer permit board to a food truck business. Food trucks selling or otherwise dispensing beer shall comply with portable barrier and signage requirements as may be promulgated by the beer permit board.

“Mobile beer permit” means a retailer’s on-sale permit issued by the metropolitan beer permit board to a business permitted as an MTLC-regulated establishment. Mobile beer permit establishments may only sell beer for on-premise consumption. Beer may be sold sealed and opened by the purchaser. Beer may be sold, served and consumed in the main office, patio or on carriages or vehicles. Mobile beer permit establishments may also hold a mobile BYO beer permit.

“Managed Mobile BYO beer permit” means a permit issued by the metropolitan beer permit board that grants a business permitted as a pedal carriage, horse drawn carriage, or entertainment transportation vehicle by the Metropolitan transportation licensing commission (MTLC) pursuant to Title 6 of the Metropolitan Code the right to allow BYO Beer in the pedal carriage, horse drawn carriage, or entertainment transportation vehicle. an MTLC-regulated establishment the right to allow BYO Beer on the MTLC-regulated establishment.

“MTLC-regulated establishment” means the following:

1. A business permitted as a pedal carriage, horse drawn carriage, or entertainment transportation vehicle by the Metropolitan transportation licensing commission (MTLC) pursuant to Title 6 of the Metropolitan Code, or an affiliate of such business with common officers or LLC managers.
2. The premises of an MTLC-regulated establishment shall include the enclosed, interior main office space, an enclosed or caged storage area, a fenced patio, and pedal carriages, horse drawn carriages, or entertainment transportation vehicles operated by the permittee. No beer shall leave the premises of an MTLC-regulated establishment, except that customers may carry beer to and from the office and pedal

carriage, horse drawn carriage, or entertainment transportation vehicle, but not across a public street ~~or sidewalk~~, and the MTLC-regulated establishment may transport beer to and from carriages or vehicles and the main office space or storage area. An MTLC-regulated establishment shall not allow beer to be removed from the premises. All beer shall be consumed or disposed of on pedal carriages, the main office, or patio.

3. ~~An MTLC-regulated establishment shall only sell beer for on-premise consumption. Beer may be sold sealed and opened by the purchaser.~~

“On-premise beer permit” means a retailer’s on-sale permit issued by the metropolitan beer permit board to a business with seating capacities for not less than sixteen persons, where meals or lunches are regularly served and where the premises are equipped with adequate toilet facilities and handwashing facilities, including hot and cold running water, for use by customers.

Section 2. That Section 7.08.030 is amended by adding the following as a new subsection H and redesignating the existing subsections H and I accordingly:

- H. A mobile BYO beer permit shall be issued to any ~~person~~ business engaged in a ~~business that is permitted as a pedal carriage, horse drawn carriage, or entertainment transportation vehicle by the Metropolitan transportation licensing commission (MTLC) pursuant to Title 6 of the Metropolitan Code,~~ an MTLC-regulated establishment and grants the right to allow a customer to store, open and consume BYO beer ~~on a pedal carriage, horse drawn carriage, or entertainment transportation vehicle~~ on the premises of an MTLC-regulated establishment, under the supervision of the MTLC-regulated establishment. An MTLC-regulated establishment shall be responsible for enforcement of all applicable laws respecting beer under this Title 7.

Section 3. That Section 7.08.100 is hereby deleted in its entirety and replaced with the following:

7.08.100 - Retailer on-sale beer permit-Issuance requirements.

~~Retailer on-sale beer permits shall not be issued except to performing arts facilities, MTLC-regulated establishments, or to eating establishments where such eating establishments possess seating capacities for not less than sixteen persons and where meals or lunches are regularly served and except to places where the premises are equipped with adequate toilet facilities and handwashing facilities, including hot and cold running water, for use by customers. Establishments selling beer for on premises consumption holding retail on-sale beer permits shall be constructed of such material that the floors, walls, ceilings, carriages or~~ and vehicles can be easily cleaned and kept clean.

Section 4. That Section 7.08.140, Subsection E, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

- E. To allow any person under eighteen years of age to loiter or congregate about the premises. The burden of ascertaining the age of minor persons shall be on the permit holder and his agent or employee. When a minor is seated at a table, there shall be no beer served at the table unless such minor is accompanied by ~~one or both of his parents,~~ but only if served in conjunction with food. a parent or guardian. When a minor is seated at an MTLC-regulated establishment that holds a mobile beer permit or mobile BYO beer

permit, there shall be no beer served unless such minor is accompanied by ~~one both of his parents~~ a parent or guardian;

Section 5. That Section 7.08.140, Subsection J, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

J. To permit rowdy or disorderly conduct on the premises;

Section 6. That the last sentence of Section 7.24.040, subsection C.1.a, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

a. It may contain windows capable of being opened, which may be open or fully raised while the vehicle is in operation.

Section 57. That Section 7.24.040, subsection C.2, of the Metropolitan Code of Laws is hereby deleted in its entirety and replaced with the following:

2. It is unlawful for any passenger to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer during the operation of an unenclosed vehicle. This provision shall not apply to any vehicle business with a managed mobile beer permit or mobile BYO beer permit as authorized by issued pursuant to Chapter 7.08 of the Metropolitan Code of Laws.

Section 78. This Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Freddie O'Connell
Member of Council