

**SUBSTITUTE ORDINANCE NO. BL2020-455**

**An ordinance amending Chapter 7.08 of the Metropolitan Code to create a new type of permit for curbside / delivery.**

WHEREAS, in response to the COVID-19 public health emergency, the Metropolitan Beer Permit Board ("Beer Board") created an emergency regulation that allowed for curbside / delivery of beer of not more than 8% in Metropolitan Nashville and Davidson County ("Emergency Regulation"); and

WHEREAS, the Beer Board has received very few complaints regarding the implementation of the Emergency Regulation; and

WHEREAS, the Emergency Regulation provided a necessary tool for the survival of many establishments affected by the current public health emergency; and

WHEREAS, making the Emergency Regulation permanent would provide much needed flexibility to such businesses to survive the current public health emergency and future natural disasters; and

WHEREAS, the Beer Board desires to create one new type of permit, a curbside / delivery permit, to codify the Emergency Regulation.

NOW, THEREFORE, BE IT ENACTED BY THE METROPOLITAN COUNCIL OF NASHVILLE & DAVIDSON COUNTY:

Section 1. Chapter 7.08 of the Metropolitan Code is hereby amended by deleting Section 7.08.030 in its entirety and replacing it with the following new Section 7.08.030:

The following types of permits may be issued by the metropolitan beer permit board:

- A. A wholesaler's permit shall be issued to each distributor, manufacturer, brewer or brewery or manufacturer's branch selling beer only directly to retailers.
- B. A manufacturer's permit shall be issued to each beer manufacturer engaged in the manufacturing and storage of beer.
- C. A retailer's "off-sale" permit shall be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller.
- D. A retailer's "on-sale" permit shall be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller. A retailer's on-sale permit may be issued to regularly conducted hotels or motels and to regularly incorporated clubs and lodges in which places beer may be sold and consumed by the purchaser when a retailer's on-sale permit has been issued for the premises.
- E. A caterer's permit shall be issued to any person who has obtained a caterer license from the state alcoholic beverage commission for sale and consumption of wine and other alcoholic beverages, pursuant to Chapter 4 of Title 57 of the Tennessee Code Annotated (T.C.A. § 57-4-101 et seq.), and who is engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the catered event site.
- F. A retailer's special events permit shall be issued to any person engaged in the sale of beer for consumption by the purchaser upon the premises of the seller for a specified period of

time, and in conjunction with certain types of activities, including, but not limited to fairs, bazaars, and similar public or private social events.

G. A retailer's curbside / delivery permit shall be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller and the purchaser has the option to take possession of the beer curbside or have the beer delivered to a location other than the retailer's premises. Retailers holding curbside / delivery permits shall maintain records of all off-premise sales and deliveries. All persons authorized to sell beer at retail shall pay the taxes required by Tennessee Code Annotated § 57-6-103(a), if applicable.

~~G. A retailer's curbside / delivery permit shall be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller and the purchaser has the option to take possession of the beer curbside or have the beer delivered to a location other than the retailer's premises. Retailers holding curbside / delivery permits shall maintain records of all off-premise sales and deliveries in accordance with Tennessee Code Annotated 57-6-103(a).~~

H. The board may authorize the executive director of the metropolitan beer permit board to issue temporary permits not to exceed thirty days duration in any of the above categories under such terms and conditions as the board may establish not inconsistent with this title.

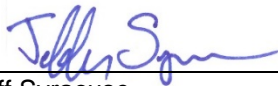
I. All permits issued hereunder shall be a mere grant or privilege to carry on the business during the term of the permit subject to all the terms and conditions imposed by the Charter and related laws, applicable provisions of the Tennessee Code Annotated, and other ordinances of the city relating to these businesses.

Section 2. The board may revoke or suspend a curbside / delivery permit or impose a civil penalty on any person authorized to sell beer at retail who fails to remit timely any taxes required by Tennessee Code Annotated § 57-6-103(a), if applicable.

~~Section 2. The board may revoke or suspend a curbside / delivery permit or impose a civil penalty on any beer retailer who fails to remit timely any wholesale taxes as required by Tennessee Code Annotated 57-6-103.~~

Section 3. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

  
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Jeff Syracuse

  
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Gloria Hausser  
Members of Council



