

SECOND 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 as defined in chapter 7.08.010 of the Metropolitan Code that may be brought by a customer to be stored, opened and consumed on ~~an MTLC-regulated a mobile establishment; but not wine, spirits or with a Mobile BYO beer permit 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 and location 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 a mobile~~ 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. Notwithstanding any provision to the contrary in Titles 6 and 12, it shall be legal for mobile establishments with a mobile beer permit to stock, provide and sell beer, and for customers to possess and consume beer on a mobile establishment with a mobile beer permit, in compliance with this Title 7.~~

“Mobile BYO beer permit” means a permit issued by the metropolitan beer permit board that grants a ~~business permitted as an MTLC-regulated mobile~~ establishment the right to allow a customer to store, open and consume BYO Beer on the MTLC-regulated mobile establishment. Notwithstanding any provision to the contrary in Titles 6 and 12, it shall be legal for customers to store, open and consume BYO Beer on a mobile establishment with a mobile BYO beer permit, in compliance with this Title 7.

~~“MTLC-regulated Mobile establishment” means the following:~~

- ~~1. A~~ 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, 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.~~

“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.D is hereby deleted in its entirety and replaced with the following:~~

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 guests upon the premises of the seller and meets the requirements of any of the following:

1. An establishment meeting the requirements for an on-premise beer permit may be issued an on-premise beer permit. An on-premise beer 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.
2. An establishment meeting the requirements for a food truck may be issued a food truck beer permit.
3. An establishment meeting the requirements for a mobile establishment may be issued a mobile beer permit.

Section 3. ~~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 business engaged in an MTLC-regulated~~ a mobile establishment and grants the right to allow a customer to store, open and consume BYO beer on the premises of ~~an MTLC-regulated a mobile~~ establishment, under the supervision of the ~~MTLC-regulated mobile~~ establishment. ~~An MTLC-regulated A~~ mobile establishment shall be responsible for enforcement of all applicable laws respecting beer under this Title 7.

~~Section 34.~~ Section 34. ~~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.

Establishments holding retail on-sale beer permits shall be constructed of such material that the floors, walls, ceilings, carriages and vehicles can be easily cleaned and kept clean.

Section 45. ~~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 a parent or guardian. When a minor is seated at ~~an MTLG-regulated~~ a mobile establishment that holds a mobile beer permit or mobile BYO beer permit, there shall be no beer served unless such minor is accompanied by a parent or guardian;

Section ~~56~~. 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 ~~67~~. That the next to 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 ~~78~~. 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 business with a mobile beer permit or mobile BYO beer permit issued pursuant to Chapter 7.08 of the Metropolitan Code of Laws.

Section ~~89~~. That Section 7.24.040 of the Metropolitan Code of Laws is amended to add the following as a new Subsection C.3:

3. It is unlawful for any person driving or in any way operating an unenclosed entertainment transportation vehicle to knowingly allow a passenger to consume alcoholic beverages or beer during operation of an unenclosed vehicle. For purposes of this subsection, "knowingly allow" means the person has actual notice of or, through reasonable due diligence, should know that a passenger is consuming an alcoholic beverage or beer upon or within the unenclosed transportation entertainment vehicle. The provisions of this subsection shall become effective immediately upon adoption

Section ~~910~~. 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