



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

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Title: An ordinance amending Title 7 of the Metropolitan Code of Laws to update requirements for certificates of compliance issued by the Mayor’s Office for retail package stores, to align with applicable state statutes.

Sponsors: Olivia Hill

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/20/2024	1	Mayor	approved	
11/19/2024	1	Metropolitan Council	passed on third reading	
11/7/2024	1	Metropolitan Council	passed on second reading	
11/7/2024	1	Government Operations and Regulations Committee	approved	
10/15/2024	1	Metropolitan Council	passed on first reading	
10/8/2024	1	Metropolitan Council	filed	

An ordinance amending Title 7 of the Metropolitan Code of Laws to update requirements for certificates of compliance issued by the Mayor’s Office for retail package stores, to align with applicable state statutes.

WHEREAS, the efficient and effective regulation of retail liquor stores, also known as retail package stores, is desirable for reasons of public safety and public policy; and,

WHEREAS, the Metropolitan Mayor’s Office issues certificates of compliance for retail package stores to applicants who meet the requirements of 7.16.090 et. seq.; and,

WHEREAS, the Tennessee Alcoholic Beverage Commission regulates retail package stores throughout the state and obtain certificates of compliance from local governments in order to apply for retail package store licenses from the Tennessee Alcoholic Beverage Commission; and,

WHEREAS, Tennessee Alcoholic Beverage Commission Rules and Policies provides guidance to local governments regarding the issuance of certificates of compliance; and,

WHEREAS, Tennessee Code Annotated Section 57-3-208 was revised in 2019 to clarify that certificates of compliance issued by local governments to applicants for retail package store licenses are to state that they remain valid unless there is a change of ownership or location, in which case a new certificate would be required prior to renewal; and,

WHEREAS, Tennessee Alcoholic Beverage Commission Rules and Regulations Section 0100-03-.09 formerly required that notice of retail liquor license applications be published in a local newspaper, but this section has subsequently been amended to omit this requirement; and,

WHEREAS, Metro Code of Laws, Sections 7.16.090, 7.16.160 and 7.16.170 should be amended to comply with these changes to state law; and,

WHEREAS, it is in the best interests of the Metropolitan Government of Nashville and Davidson County to amend Section 7.16.090, 7.16.170 and 7.16.160 of the Metropolitan Code of Laws so as to ensure alignment with state law and Tennessee Alcoholic Beverage Commission's requirements.

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

Section 1: That Section 7.16.090 of the Metropolitan Code of Laws is hereby amended by removing subsections (A) and (C) in their entirety and re-naming the subsections accordingly.

Section 2: That Section 7.16.090 (B) of the Metropolitan Code of Laws is hereby removed and replaced with the following language:

All persons desiring to engage in the sale of spiritous liquors or vinous liquors at retail in sealed packages only and not for the consumption on the premises shall make written application to the mayor for such privilege upon forms to be prepared and approved by the mayor, which application shall give the name and address of all individuals with an ownership interest in the applicant entity, place where the proposed business is located, nature and character of the business to be carried on, and, if a partnership, the names of the partners and such information as may be required by the mayor.

Section 3: That Section 7.16.160 of the Metropolitan Code of Laws is hereby removed and replaced with the following language:

A certificate of compliance issued pursuant to this chapter shall remain valid unless there is a change of ownership or location, in which instance a new certificate of compliance shall be required.

Section 4: That Section 7.16.170 is hereby amended by removing the following language from the first sentence: "and such license shall be good and valid only for a period of twelve months from the date of issuance."

Section 5: This ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance updates Title 7 of the Metropolitan Code of Laws regarding certificates of compliance issued by the Mayor's Office for retail package stores.

Tennessee state law regulates retail package stores throughout the state. The Tennessee Alcoholic Beverage Commission ("TABC") requires a retail package store to obtain a certificate of compliance from the local government where the store is located in order to apply for a retail package store license from the TABC. The TABC has rules and policies that provide guidance to local governments regarding the issuance of certificates of compliance and those rules have recently changed.

The TABC Rules and Regulations Section 0100-03-.09 previously required that notice of retail liquor license applications be published in a local newspaper, however, this requirement has been removed. In addition, Tennessee Code Annotated Section 57-3-208 was amended to allow certificates of compliance to remain valid unless there is a change in ownership or location.

The ordinance under consideration rewrites Metropolitan Code of Laws Section 7.16.090 regarding the publication of notice of an application for a certificate of compliance in accordance with the changes to the TABC Rules and Regulations. Provisions regarding the advertisement of the application in a newspaper of general circulation would be removed. The section would keep requirements regarding the form and content of the application, including that the application must be written upon forms prepared and approved by the mayor. The ordinance would clarify that the name and address of all individuals with an ownership interest in the applicant entity must be provided, along with the existing requirements for the location of the proposed business, nature and character of the business to be carried on, and, if a partnership, the names of the partners and any additional information required by the mayor.

In addition, the ordinance under consideration would amend Metropolitan Code of Laws Section 7.16.160. This provision currently states that a certificate of compliance is valid for two years from the date of issuance. The revised language would provide that a certificate of compliance remains valid unless there is a change of ownership consistent with the recently amended state law. Metropolitan Code of Laws Section 7.16.170 would also be amended to remove a reference to the period for which a license is valid.