

ORDINANCE 20-O-16 amending the Murfreesboro City Code, Chapter 4, Alcoholic Beverages, Article IV., Beer, authorizing the sale of beer within the City limits via delivery and take-out service.

WHEREAS, pursuant to Tennessee Code Annotated § 57-5-106, the City of Murfreesboro is authorized to pass proper ordinances governing the issuance and revocation or suspension of licenses for the storage, sale, manufacture and/or distribution of beer within the corporate limits of the City and to impose additional restrictions, fixing zones and territories and provide hours of opening and closing and such other rules and regulations as will promote public health, morals and safety; and,

WHEREAS, pursuant to an Executive Order issued on April 10, 2020, the City temporarily authorized the delivery of beer by breweries, restaurants, and taverns holding a City-issued beer permit; and,

WHEREAS, based on the responsible conduct of said entities and the positive economic impact of delivery pursuant to said Executive Order, the City now desires to establish a permanent regulation for the lawful delivery of beer within the City limits.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Section 4-59, Prohibited Activity, of the Murfreesboro City Code is hereby amended by adding the following to the end of subsection (G): "other than in compliance with the regulations of this Article or pursuant to state law of general application."

SECTION 2. Section 4-65, Reserved, of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting therefore:

"SECTION 4-65 - SALE OF BEER VIA DELIVERY AND TAKE-OUT SERVICE BY BREWERIES, RESTAURANTS, AND TAVERNS HOLDING A CITY-ISSUED BEER PERMIT.

Breweries, restaurants and taverns holding a manufacturer beer permit, an on-premises retail beer permit, or a combined retail beer permit issued by the City may sell beer within the City limits via take-out or delivery service, subject to the following regulations:

- (A) Any sale of beer under this section is for consumption off of the premises of the brewery, restaurant, or tavern only. In the case of sale by a restaurant or tavern, beer may be sold pursuant to this section only if sold in conjunction with the sale of prepared food or other food products as part of the same order and only if the dollar value of the food portion of the sale constitutes at least fifty percent (50%) of the total dollar value of the order.
- (B) Beer sold under this section must be contained in a metal, glass, or plastic container with a secure top affixed to the container to prevent consumption without removing or breaking the top.

- (C) Single servings of beer and multi-serving bottles or containers of beer normally sold by the brewery, restaurant, or tavern may be sold under this section.
- (D) A brewery, restaurant, or tavern selling beer under this section shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416, as may be amended from time to time: "No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state."
- (E) An employee or contractor of a brewery, restaurant, or tavern providing or delivering beer to a customer under this section shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering beer shall visually inspect a valid government-issued document deemed acceptable to the permit holder that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age. In addition, delivery made pursuant to this section may be made only to the physical address indicated by the individual placing the delivery order, and the delivery must be documented by a verification of the delivery signed by the individual who placed the order. Any person denied delivery pursuant to this subsection (E) shall not be entitled to a refund of any delivery charge assessed for the purpose of such delivery.
- (F) A person delivering beer under this section shall be at least twenty-one (21) years of age and must have a valid driver license.
- (G) Beer sold under this section may be sold only during the permit-holder's normal operating hours and in accordance with the provisions of this Code regarding hours of service. In addition, beer sold under this section may be delivered only within the City's corporate limits.
- (H) For any order where the amount of beer delivered exceeds two gallons (256 fluid ounces), the permit holder shall maintain for inspection by any law enforcement official a copy of the customer's order indicating: (1) the name of the recipient of the beer; (2) the address where the beer was delivered; and (3) the amount of beer delivered. Such records must be maintained for six (6) months.
- (I) For purposes of this section, "delivery service" includes, without limitation, delivery by a third-party delivery service licensed by the Tennessee Alcoholic Beverage Commission."

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading May 21, 2020
 2nd reading June 4, 2020

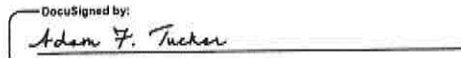

 Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:




 Melissa B. Wright
 City Recorder

DocuSigned by:

 Adam F. Tucker
 City Attorney