

## **ORDINANCE 2021– 23**

### **AN ORDINANCE OF THE CITY OF MT. JULIET TO AMEND THE MT. JULIET CITY CODES CHAPTER 4 ALCOHOLIC BEVERAGES SECTIONS 4-55(3) PERMITS, (ENTERTAINMENT and AMUSEMENT SERVICES PERMIT-LIMITED), SECTION 4-62 ON-PREMISES CONSUMPTION BEER PERMIT; ISSUANCE REQUIREMENTS, SECTION 4-67 SUSPENSION AND REVOCATION OF PERMIT, AUTHORITY**

**Whereas**, the Board of Commissioners of the City of Mt. Juliet desire to amend Chapter 4, Alcoholic Beverage Laws; and

**Whereas**, Section 4-55 Permits On-premises consumption beer permit; issuance requirements is amended to add to (3): “activities defined under the land use definition of “Entertainment and amusement services-limited” such as Dave & Busters and Top Golf as well as venues that provide live music at least two nights per week and do not fall into any other more specific land use definition,”; and

**Whereas**, Section 4-62- On-premises consumption beer permit; issuance requirements is amended to add to the first paragraph: “and 3) activities defined under the land use definition of “Entertainment and amusement services-limited” such as Dave & Busters and Top Golf as well as venues that provide live music at least two nights per week and do not fall into any other more specific land use definition”; and

**Whereas**, Section 4-62- On-premises consumption beer permit; issuance requirements, is amended to add that, for Entertainment and Amusement Services, Limited, any ratio of beer to food sales is modified to require that at least fifty percent (50%) of the gross revenue of the establishment is generated from the serving of meals and/or admission/user fees; and

**Whereas**, Section 4-67, Suspension and revocation of permit, authority, is amended to add that the Alcoholic Beverage Board’s powers.

**Now, therefore, be it ORDAINED** by the City of Mt Juliet Board of Commissioners the City of Mt. Juliet City Code Chapter 4 Alcoholic Beverages, is amended as follows:

#### **Sec. 4-55. - Permits.; is amended as follows:**

No person shall sell, store for resale, distribute, or manufacture beer in the city, without a permit issued by the city alcoholic beverage board. The following types of permits may be issued by the city alcoholic beverage board:

(3) A retailer's on-premises permit may 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-site sale permit may be issued to bona fide hotels, motels, clubs, golf courses, activities defined under the land use definition of "Entertainment and amusement services – limited" such as Dave & Busters and Top Golf as well as venues that provide live music at least two nights per week and do not fall into any other more specific land use definition, and restaurants in which beer sales are subsidiary to the primary business conducted on the site. (already included above)

#### **Sec. 4-62. - On-premises consumption beer permit; issuance requirements is amended as follows.**

It is the intent of this article to only issue permits for on-premises consumption of beer to 1) restaurants for the sale of beer along with meals; 2) hotels/motels for the purpose of serving their registered guests; and 3) activities defined under the land use definition of "Entertainment and amusement services – limited" such as Dave & Busters and Top Golf as well as venues that provide live music at least two nights per week and do not fall into any other more specific land use definition. All other establishments primarily selling beer for on-premises consumption and not food are prohibited from maintaining a permit for on-premises consumption.

(6) Entertainment and amusement services – limited

Subsections (1) through (4) of this section shall apply to Entertainment and amusement services – limited. However, whenever a ratio of beer to food sales is used in this ordinance, the ratio required for Entertainment and amusement services – limited shall be modified to require that at least fifty percent (50%) of the gross revenue of the establishment is generated from the serving of meals and/or admission/user fees.

#### **Sec. 4-67 Suspension and Revocation of Permit, authority:**

11) In addition to the above the Alcoholic Beverage Board has the authority to:

- a) Take no action.
- b) Place a probation of the permit holder of no less than 1 month and no more than 12 months as determined by local, state and federal guidelines.
- c) Suspension of permit for no less than 1 month and no more than 12 months as determined by local, state and federal guidelines.

**BE IT FURTHER ORDAINED**

**Section 1.** In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**Section 2.** If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance.

**Section 3.** That this ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED: 7/12/2021

FIRST READING: 6/14/2021

SECOND READING: 7/12/2021

  
James Maness, Mayor

ATTEST:

  
Sheila S. Luckett, MMC  
City Recorder

APPROVED AS TO FORM:

  
Kenny Marchetti, City Manager

  
L. Gino Marchetti, Jr.  
City Attorney