

ORDINANCE NO. BL2019-_____

An ordinance amending sections 7.08.010 and 7.08.090 of the Metropolitan Code of Laws regarding definitions pertaining to beer and alcoholic beverages and location restrictions for obtaining beer permits.

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

Section 1. That Subsection 7.08.010 of the Metropolitan Code of Laws is hereby amended by adding the following term and definition as indicated, to be included alphabetically:

"Metropolitan arena" means a facility owned, operated or leased by a metropolitan government or any agency or commission thereof, or by a nongovernmental individual, corporation, partnership or other legal entity, with permanent seating capacity in excess of nine thousand persons, which is located within the DTC district or a CF zone district, which is designed primarily for indoor sporting, recreational, convention and/or entertainment use and may contain space and facilities for meetings, exhibitions, retail sales, retail food dispensing and restaurants and is a facility for which a license has been obtained from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption.

Section 2. That Subsection 7.08.090 of the Metropolitan Code of Laws is hereby amended by deleting Subsection A thereof in its entirety and substituting the following in lieu thereof:

7.08.090 - Location restrictions—Issuance of permit after revocation.

A. 1. No beer permit shall be issued to an applicant whose location is less than one hundred feet from a place of worship, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one or two families. One- or two-family dwellings shall not be construed to include house trailers, on wheels or otherwise.

- a. *Exceptions.* The minimum distance requirements contained herein shall not be applicable to:
 - i. Any location which is in the DTC or CF zone districts;
 - ii. Establishments which are:
 - (a) located within the urban services district;
 - (b) selling beer for on-premises consumption only; and
 - (c) separated by a state or federal highway consisting of no less than four lanes of traffic excluding parking lanes, from all places of worship, schools or its playgrounds, parks, licensed day care centers or nursery schools or its playgrounds, or dwellings for one or two families that are otherwise less than one hundred feet from such establishments.
 - iii. Retailer on-sale beer permits for any location that is on a lot in the MUL district under the provisions of Title 17 of the Metropolitan Code of Laws so long as
 - (a) a retailer on-sale beer permit is obtained prior to April 30, 2003;
 - (b) more than fifty percent of the gross sales of said applicant for said location is derived from food sales, excluding sales of alcoholic beverages; and
 - (c) thereafter said permit is held without lapse of more than three hundred sixty-five days, regardless of any change of ownership.
 - iv. Any retailer on-sale beer permit issued to any metropolitan arena. No retailer off-sale beer permit may be issued to any metropolitan arena which does not comply

with the minimum distance requirement set forth above. Additionally, all premises which are permitted under these provisions which are arenas for entertainment and sporting events shall provide designated seating which shall be "alcohol free" in the facility for events when beer or other alcoholic beverages are sold;

- v. A catered event by the holder of a valid caterer's permit issued pursuant to this chapter.
- vi. Any location for which a beer permit was in effect within three hundred sixty-five days of May 26, 1992, the effective date of the ordinance codified in this subsection A and, further, shall not affect said location thereafter so long as a beer permit is held for that location without lapse of more than three hundred sixty-five days, even if there is a change of ownership of the location or the business thereon;

Section 3. Be it further enacted, that this ordinance shall take effect immediately after its passage.

INTRODUCED BY:

Mary Carolyn Roberts
Member of Council