

ORDINANCE NO. 8-2016

TITLE

AN ORDINANCE TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 6, TITLED "BEER AND OTHER LIGHT BEVERAGES," AND CHAPTER 7, TITLED "BEER PERMITS AND MANAGER CERTIFICATES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, FOR THE PURPOSES OF UPDATING PROVISIONS FOR STATE LAW COMPLIANCE, ALLOWING THE SALE OF GROWLERS (TAP BEER TO GO), CREATING A NEW DUAL ON-AND-OFF PREMISES BEER PERMIT, ALLOWING MANUFACTURERS TO SELL BEER WITH THE PROPER PERMIT, AND TO SET FORTH A TIMEFRAME BETWEEN BEER PERMIT APPROVAL AND OPENING A NEW BUSINESS.

WHEREAS, some of the City's ordinances pertaining to beer are in need of modification; and

WHEREAS, the amendments address state law compliance issues as well as provide for a more business-friendly approach to the permitting process; and

WHEREAS, further, one amendment addresses the relatively new business of growlers and another addresses timing issues between beer permit approval and opening a new business; and

WHEREAS, on June 1, 2016, the Oak Ridge Beer Permit Board unanimously recommended the amendments for City Council's consideration and adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section 8-601, titled "Definitions," is hereby amended by deleting Subsection (1), titled "Beer," in its entirety and substituting therefor a new Subsection (1), titled "Beer," which new subsection shall read as follows:

Section 8-601. Definitions.

(1) "Beer" means a beverage defined as beer by Tennessee Code Annotated §57-5-101.

Section 2. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Chapter 6, titled "Beer and Other Light Beverages - Generally," is hereby amended by creating a new Section 8-608, titled "Growlers," which new section shall read as follows:

Section 8-608. Growlers.

Growlers may be sold under an off-premises beer permit in accordance with the provisions of this section. The term "growler" means a container not to exceed sixty-four ounces (64 oz.) that is filled by the permit holder's employee with beer. Growlers must be filled in a manner that is sanitary and meets all applicable food and alcohol handling laws and standards. Each growler must be securely sealed and removed from the premises in its original sealed condition. Each growler shall be sealed in such a manner that one can tell if it has been opened after having been sealed (ex. heat shrink plastic or locking caps). Consumption of beer from growlers on premises is strictly prohibited, except samples of tap beer offered for sale in growlers may be made available, however, individual samples shall not exceed one ounce (1 oz.) per sample and no one individual may be offered or consume more than four (4) samples per business day.

Section 3. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section 8-701, titled "Permit Required," is hereby amended by deleting Subsection (2) in its entirety and substituting therefor a new Subsection (2), which new subsection shall read as follows:

Section 8-701. Permit Required.

- (2) Permits shall be issued by the city in the name of the owner of the business or other entity responsible for the premises for which the permit is sought, whether a person, firm, corporation, joint-stock company, syndicate, association, or governmental entity where the governing body has authorized such sales of beer.

Section 4. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section 8-701, titled "Permit Required," is hereby amended by creating a new Subsection (8), which new subsection shall read as follows:

Section 8-701. Permit Required.

- (8) A permit is not required for homemade beer when such beer is made, consumed, stored, and transported in accordance with the limitations set forth in Tennessee Code Annotated §57-5-111.

Section 5. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section 8-702, titled "Classes of Permits," Subsection (1), titled "Class A," is hereby amended by adding the following phrase to the end of Subsection (1):

Section 8-702. Classes of Permits.

- (1) Class A. ...unless such manufacturer also possesses an on-premises beer permit.

Section 6. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section 8-702, titled "Classes of Permits," is hereby amended by deleting the introductory language and replacing it as follows and by creating a new Subsection (6), which new subsection shall read as follows:

Section 8-702. Classes of Permits.

There shall be six (6) classes of permits issued under chapters 6, 7, and 8 of this title, as follows:

...

- (6) Class F. A combined, dual "on-sale" (on-premises consumption) and "off-sale" (off-premises consumption) permit to any person or legal organization engaged in the sale of beer where beer is to be consumed by the purchaser upon or off the premises of the seller. While not a permit specifically for catering businesses, this permit classification will be the permit applied for by catering businesses.

Section 7. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section 8-703, titled "Application Generally," Subsection (3) is hereby amended by changing the reference from ten percent (10%) to five percent (5%) with respect to ownership of corporate stock.

Section 8. Title 8, titled "Alcoholic Beverages," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section 8-703, titled "Application Generally," is hereby amended by creating a new Subsection (8), which new subsection shall read as follows:

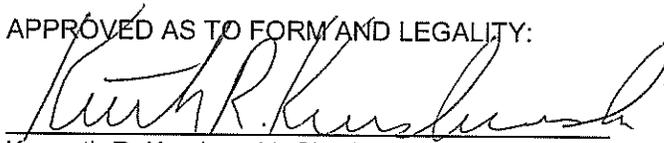
Section 8-703. Application Generally.

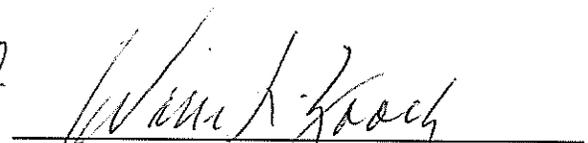
- (8) While applicants are encouraged to apply for a beer permit in advance of opening or buying the business, the board's approval of a beer permit(s) will be invalid if the business is not open under the applicant's ownership within six (6) months of the board's approval.

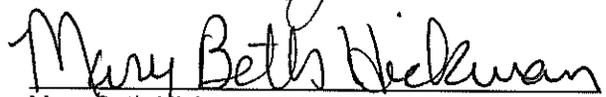
Section 9. Upon the effective date of this ordinance, all current beer permit holders that either (1) possess both a Class B and a Class C beer permit, or (2) are a catering business, will be automatically be transferred to a Class F beer permit without any action required by the permit holder or the Oak Ridge Beer Permit Board and without any cost to the permit holder.

Section 10. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


Warren L. Gooch, Mayor


Mary Beth Wickman, City Clerk

First Reading: 07/11/2016
Publication Date: 07/14/2016
Second Reading: 08/08/2016
Publication Date: 08/11/2016
Effective Date: 08/18/2016