ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 7 – ALCOHOLIC BEVERAGES, CHAPTER 7-8. – BEER AND LIGHT ALCOHOLIC BEVERAGES, ARTICLE 2. – LICENSE TO STORE, SELL, DISTRIBUTE OR MANUFACTURE, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS SO AS TO CREATE A CATERER'S PERMIT

WHEREAS, the City of Memphis strives to be a city of choice in which to live and operate a business; the City attempts to implement laws and policies that encourage commerce and allow businesses the flexibility to provide excellent goods and services to their customers without impediment; and

WHEREAS, the current Code of Ordinances requires licensed caterers to obtain a special event beer permit for each function it caters; and

WHEREAS, the Tennessee Code Annotated permits and other cities in Tennessee allow issuance of a beer permit to licensed caterers which allows them to sell beer at all of their catered functions; and

WHEREAS, Memphis catering companies should enjoy the same privilege of applying and paying permit fees only once each year; which cuts down on bureaucracy and allows these local, usually small businesses to focus on providing great service to their customers.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the current Title 7 – Alcoholic Beverages, Chapter 7-8. – Beer And Light Alcoholic Beverages, Article 2. – License to Store, Sell, Distribute or Manufacture, of the Code of Ordinances, City of Memphis, is hereby amended to add Sec. 7-8-25. – Caterer's permit, which read as follows:

Sec. 7-8-25. – Caterer's permit.

In addition to the other requirements of this chapter:

A. No caterer's permit shall be issued to a person who does not hold a valid caterer license from the state alcoholic beverage commission for sale and consumption of wine and other alcoholic beverages pursuant to Chapter 4 of Title 57 of the Tennessee Code Annotated (T.C.A. § 57-4-101 et seq.). Should the holder of a caterer's permit cease to hold a valid caterer license from the state alcoholic beverage commission, such caterer's permit shall be automatically deemed revoked by the board.

B. No caterer's permit shall be issued to a person who does not hold a valid retailer's license to sell for consumption on the premises for its permanent catering hall issued pursuant to the provisions and requirements of this chapter, including the location restrictions specified in Section 7-8-11. – General restrictions on issuance.

C. All caterer's permit holders shall be required to give advanced written notice to the beer board office via email, facsimile, or U.S. mail, not later than one business day prior to each event for which

beer will be sold and consumed. Such notice shall include, but not be limited to, the date, time, and location of the event.

D. No caterer's permit shall be valid for the sale and consumption of beer on any premises for which a permit has been revoked within the past twelve-month period, nor shall a caterer's permit be used for the sale and consumption of beer on any premises owned or leased by a person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent ownership interest in the establishment that has had a permit revoked within the past twelve-month period.

E. No caterer's permit shall be valid for the sale and consumption of beer on any premises within two hundred and fifty (250) feet from a church or a school or its playground, unless the catered event is sponsored and held by the church or private school for the benefit of said church or school.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

BILL MORRISON
Council Chairman

Attest:

Patrice Thomas, Comptroller