

## ORDINANCE 2025-

### AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLES I, III, AND IV

**WHEREAS**, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Code of Ordinances, Chapter 4, Articles I, III, and IV; and

**WHEREAS**, the amendments to Chapter 4 will amend and update the code to clarify the process for submitting applications to the Alcoholic Beverage Board and provide clearer guidelines for the approval of Beer Permits while ensuring the protection of permit holders from fraudulent activities; and

**WHEREAS**, the amendments to Chapter 4 will amend and standardize location restrictions for Retail Liquor Stores, Retail Food Wine Certificates, and Beer Permits, specifically by defining distance measurements, to improve clarity, consistency, and enforcement; and

**WHEREAS**, the following Section of Chapter 4 of the Code of Ordinances are desired to be amended:

ARTICLE	SECTION	SECTION TITLE
Article I	Section 4-5	Retail food store wine certificate
Article III	Section 4-56	Application—Requirements and conditions
Article III	Section 4-61	Location restrictions
Article III	Section 4-80	Fees and taxes; applications
Article IV	Section 4-94	Where retail liquor stores may be located

**WHEREAS**, the specific amendments desired to be made to Chapter 4 of the Code of Ordinances are exhibited in redline form in the attached document.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Mt. Juliet Board of Commissioners, the City of Mt. Juliet Code of Ordinances is amended as follows:

**Section 1.** Article I, Section 4-5 Retail food store wine certificate, Subsection (b), is amended to read in its entirety as follows:

- (b) To obtain a certificate, the applicant must submit the following to the secretary of the alcoholic beverage board:
  - (1) Proof, by way of TBI background check conducted within 30 days of the date of application, that the applicant or applicants who are to be in charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of the application, and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application;
  - (2) Sufficient information for the zoning administrator to ascertain that the applicant or applicants have secured a location for the business which complies with all zoning laws adopted by the

city as to the location of the business, specifically section 4-61(a) [of this Code], that any seller of wine shall not be located within 100 feet of a school, church, house of worship, library or municipal park. Distance shall be measured in a straight line from the center of the main entrance of the school, church, house of worship, library, or municipal park to the center of the main entrance of the potential permittee.

**Section 2.** Article III, Section 4-56 Application – Requirements and conditions, Subsection (a), is amended to read in its entirety as follows:

- (a) The owner of any business desiring to sell, distribute or store beer within the city shall file in person with the city recorder a written application under oath. The application shall include a scale drawing of the premises showing all parking spaces and the lot dimensions and an interior drawing showing the seating. Drawings shall be done to scale in a professional manner. No permit shall be issued until the board has reviewed information contained in the application and interviewed the applicant. The form of the application shall be prescribed by the board and approved by the city attorney. No beer permit license can be issued to a person whose spouse has had a beer permit revoked or suspended by the city, within the past ten years.

**Section 3.** Article III, Section 4-61 Location restrictions, Subsection (a), is amended to read in its entirety as follows:

- (a) No beer permit for on-premises consumption shall be issued to an applicant whose location is less than 100 feet from a school, church, house of worship or municipal park. The minimum distance requirement for a beer permit for off-premises consumption shall be 100 feet from a school, church, house of worship or municipal park. Distance shall be measured in a straight line from the center of the main public entrance of the school, church, house of worship or municipal park to the center of the main public entrance of the potential licensee. Municipal parks shall not include those parks created on land donated to the city on or after May 1, 2013.

**Section 4.** Article III, Section 4-80 Fees and taxes; applications, is amended to read in its entirety as follows:

- (a) *Fees and taxes.* Fees and taxes on city beer permit are as follows:
  - (1) \$250.00 nonrefundable fee, required when application is submitted (new applicant).
  - (2) \$100.00 privilege tax, on a pro rata basis (T.C.A. § 57-5-104(5), new applicant).
  - (3) \$100.00 privilege tax, (T.C.A. § 57-5-104(b)(1)) to maintain the beer permit each January. Current contact information is required with the yearly permit fee.
- (b) *City beer permit application.* The application for the city beer permit, as approved in accordance with this Article, is available in the office of the City Recorder.

**Section 5.** Article IV, Section 4-94 Where retail liquor stores may be located, Subsections (b) and (c), is amended to read in its entirety as follows:

- (b) Retail liquor stores shall not be located within 1,000 feet of a school, church, house of worship, library or municipal park. Distance shall be measured following the usual and customary path of pedestrian travel along streets and/or sidewalks from the center of the main public entrance of the school, church, house of worship, library, or municipal park to the center of the main public entrance of the proposed retail liquor store.
- (c) Retail liquor stores cannot be located any closer than three miles from each other. Distance will be measured along the shortest drivable route from the center of the main public entrance of one location to the center of the main public entrance of the other location.

**BE IT FURTHER ORDAINED**

**Section 6.** In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**Section 7.** If any section, clause, or 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, or provision or portion of this ordinance.

**Section 8.** This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

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James Maness, Mayor

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Kenny Martin, City Manager

ATTEST:

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Sheila S. Luckett, MMC, City Recorder

APPROVED AS TO FORM:

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Samantha A. Burnett, City Attorney