

May 19, 2015

City of Eagleville Tennessee
Mr. Andrew Ellard
City Manager
108 South Main Street
Eagleville, Tennessee 37060

VIA ELECTRONIC MAIL

Dear Mr. Ellard:

Responsive to our recent conversation regarding temporary beer permits for a city festival in the downtown area, the following is provided:

- Temporary Beer Permit Provisions – This document provides examples of temporary beer permit ordinances in the following cities:

 Franklin
 Brentwood
 Gallatin

 Clarksville
 Farragut
 Bristol

I like the way that Brentwood and Bristol have approached it. Although the number of days may be too many for some in Brentwood, the ordinance itself is short and to the point. Furthermore, it specifically requires that the appropriate “governmental authority” authorize the sale of beer on public property. Since many festivals take place on a city street or in a city park, that means that the governing body, city manager, or whoever is authorized to speak for the city has to approve the use of city property in order for the beer board to issue a temporary permit at that location. This keeps the city in control which is important. You’ll note that unlike the multiple-event temporary beer permit provisions in the Eagleville code (Sec. 8-209(3)(b), a single event permit (Sec. 8-209(3)(a) does not require the owner of public property (the city) to approve of the permit application.

Like the Brentwood provision, the Bristol ordinance also authorizes a temporary permit for up to 30 days and importantly, keeps the city in control of the use of public property with a provision in 6-149.5(a) that provides that “no such permit shall allow the sale, storage, dispensing, serving, distribution, or manufacture of beer on publicly owned or controlled property, or on public right-of-way, except as may be specifically authorized by the city council from time to time.” But unlike Brentwood, the use of public property in Bristol is not limited to a “bona fide charitable or nonprofit or political organization.”

- Sidewalk Cafe – This is an example of a sidewalk café ordinance adopted in Bristol. Much of it probably won’t be of use to you since your sidewalks are too narrow to allow a permanent café area. But the Bristol ordinance also includes provisions for temporary café areas that you might

Mr. Andrew Ellard
May 19, 2015
Page 2

want to consider when the public street is closed for a special event (Sec. 62-165). This provision provides local authority for a restaurant to sell its food and beverages on public property. Please note that the sidewalk café provision is not in the alcoholic beverages chapter of the Bristol code, but rather it is in Street, Sidewalks, and Other Public Places (Chapter 62). So if you adopt a sidewalk café ordinance, you'll want to show it in Title 16 of your municipal code so that it is clear that they can vend all of their fares in the temporary café area.

Please let me know if you have further questions regarding this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant

Temporary Beer Permit Provisions

Franklin

Sec. 8-211. - Special event permits.

(1)The beer board is authorized to issue special event permits to bona fide charitable, nonprofit or political organizations for special events.

(2)The special event permit shall not be issued for longer than one 48-hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event permit shall state whether the applicant is a charitable, nonprofit or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.

(3)For purposes of this section:

(a)Bona fide charitable or nonprofit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.

(b)Bona fide political organization means any political campaign committee as defined in T.C.A. § 2-10-101(a) or any political party as defined in T.C.A. § 2-13-101.

(4)No charitable, nonprofit or political organization possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

(5)Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of Franklin will result in a denial of a special event beer permit for the sale of beer for a period of one year.

Sec. 8-212. - Events not subject to permit; notice required. Any event which is catered and the caterer has a valid TABC license to serve alcohol is not required to obtain a special event permit. For the safety and welfare of the citizens of Franklin, the beer board requires prior notice of each event which is catered and not required to obtain a permit. Event coordinators shall furnish to the beer board a copy of the form submitted to the TABC no later than five days prior to the event.

Brentwood

Sec. 6-58. - Temporary permits. Temporary beer permits not to exceed 30 days' duration may be issued at the request of an applicant upon the same conditions governing permanent permits. Such a temporary permit shall not allow the sale, storage or manufacture of beer on publicly

owned property, except that a temporary permit authorizing the sale of beer on public property may be issued to a bona fide charitable or nonprofit or political organization as defined in T.C.A. § 57-4-102, subject to the approval of the appropriate governmental authority charged with the management of such publicly owned property.

Gallatin

Class IV - Special event permit. A special event permit is required to be issued to any nonprofit organization engaged in the sale or distribution of beer. The special events permit will be issued, after the payment of fifty dollars (\$50.00) fee after approval by the beer board. Each permit will be issued for a specific date and a specific time. The specific time will be consistent with state and municipal law. A nonprofit organization may receive no more than three (3) special events permits during a calendar year. For purposes of this subsection, nonprofit organization shall mean a nonprofit entity that has received a determination from the Internal Revenue Service under Section 501(c)(3) or other similar provision of the Internal Revenue Code that it qualifies as a tax-exempt entity

Clarksville

Special events permit. A "special events" permit is required to be issued to any nonprofit organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller. The special events permit will be issued for the fee of fifty dollars (\$50.00), after approval by the Clarksville police department and the Clarksville beer board. Prior notification must be made in writing ten (10) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or city ordinances. Nonprofit organizations may receive no more than four (4) special events permits during a calendar year.

Farragut

Class 6, special occasion beer permit. The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

- (1) The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.

(2) The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.

(3) The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.

(4) For purposes of this section, *bona fide charitable or nonprofit organization* means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.

(5) No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

(6) Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) years.

Bristol

Sec. 6-149.5. - Temporary permits.

- (a) In addition to the off-premises and on-premises permits provided for in this article, the beer board shall have the authority to issue temporary permits for the sale, storage, dispensing, serving, distribution and/or manufacture of beer in the city for periods not to exceed a total of 30 days during a calendar year. A temporary permit may be issued by the beer board for scheduled sporting, recreation, amusement, dining, entertainment and other similar events and activities and shall specify with reasonable particularity the premises on which the permit shall be valid and the time or times during which the permit shall be valid. Temporary permits shall be issued upon the same conditions governing other permits except that the posting of a sign on the premises shall not be required as part of the application process, and the beer board shall determine and specify the terms and conditions for issuance of each temporary permit. Temporary permits may be issued for off-premises and/or on-premises consumption, but no such permit shall allow the sale, storage, dispensing, serving, distribution, or manufacture of beer on publicly owned or controlled property, or on public right-of-way, except as may be specifically authorized by the city council from time to time.
- (b) The beer board may issue a temporary permit of indefinite duration for scheduled events and activities at a motorsports facility having permanent fixed seating for at least 20,000 persons, and such a permit may authorize the sale, storage, dispensing, serving, distribution and/or manufacture of beer for periods not to exceed a total of 90 days during a calendar year.

- (c) The term of a temporary permit issued for a reoccurring event may be extended by the beer board for successive additional terms, not to exceed one year each, upon application of the holder and a showing satisfactory to the beer board that: (1) there has been no substantial change in status of the licensed premises or the eligibility of the holder since the permit was issued; (2) extending the term of the permit would not be detrimental to public health, safety or welfare; and (3) all applicable licenses have been obtained and fees paid. Such an application shall be filed with the secretary of the beer board prior to the expiration of the permit and at least 30 days prior to its consideration by the beer board.