

ORDINANCE NO. 5472

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 ALLOW OFF-PREMISE LICENSE HOLDERS TO CONDUCT BEER TASTINGS FOR SALES, PROMOTIONAL, AND EDUCATIONAL PURPOSES

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, craft, locally manufactured, and specialty beers have become extremely popular and sales of these products take over a larger share of the market each year; holders of licenses to sell beer for off-premise consumption would like to be able to conduct product tastings in their stores, providing free, small samples of products sold to customers for promotional and educational purposes, which is not permitted under the current Code of Ordinances; and

WHEREAS, the Tennessee Code Annotated was recently amended to allow retail wine and liquor licensees to offer complimentary samples of the products it sells for tastings to be held on the premises; and

WHEREAS, Memphis retailers selling beer for off-premise consumption should enjoy the same privilege, to conduct product tastings on-premise, as Tennessee wine and liquor retail licensees.

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, Sec. 7-8-7. - Application—Generally, F. of the Code of Ordinances, City of Memphis, is hereby amended to read as follows:

Sec. 7-8-7. - Application—Generally.

F. That, if the application is for a license to sell, not for consumption on the premises, that no sales will be made for consumption on the premises, no consumption will be allowed on the premises or on the sidewalks, streets or property within the immediate premises (building and parking lot) of any off-premises location selling beer, and that no such beverages will be kept for sale in such premises except in the original packages or containers; *except that an off-premise licensee may offer complimentary samples of the products it sells for tastings to be held on the premises of the off-premise licensee. Such tastings shall be for sales, education and promotional purposes. The Memphis Alcohol Commission shall promulgate rules for conducting beer tastings.*

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

THE FOREGOING ORDINANCE
5472 PASSED
1st Reading 9-18-2012
2nd Reading 10-02-2012
3rd Reading 11-20-2012
Approved Bill Morrison
Chairman of Council
Date Signed: 12-10-12
Approved: [Signature]
Mayor, City of Memphis
Date Signed: 12-13-12

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes
Comptroller