

Ordinance #444

AN ORDINANCE TO AMEND THE CITY OF ASHLAND CITY MUNICIPAL CODE, TITLE 8, TO ADD CHAPTER 3 WINE IN A RETAIL FOOD STORE

WHEREAS, the Board of Mayor and Council of the City of Ashland City has determined that it is necessary to amend Title 8 of the code to be in compliance with TCA 57-3-801 et al, Sale of Wine In Retail Food Service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Council that the city of Ashland City Municipal Code shall add Chapter 3 to Title 8 of the Code as follows:

8-101. Definitions – Whenever used herein, unless the context requires otherwise:

- (1) Retail food store means an establishment that is open to the public that derives at least twenty percent of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in TCA 67-6-228 (a) and has retail floor space of at least one thousand two hundred square feet.
- (2) Wine means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent by volume. No other product shall be called wine unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. Wine does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additions.

8-102. Certificate of compliance by the City – As a condition precedent to the issuance of a license by the Alcoholic Beverage Commission, TCA 57-3-806 requires that the retail food store obtain a certificate of compliance. In Order to obtain a certificate of compliance, an applicant shall first apply on a form furnished by the City Recorder. Upon verification that the applicant meets the requirements of TCA 57-3-806 (b), the Mayor may issue the certificate without action by the council. Alternatively, members of the council may sign the certificate and the certificate shall be issued when a majority of the members have signed it. The certificate shall be granted or denied within sixty days after the application for the certificate is submitted to the City.

8-103. Expiration of certificate of compliance. A certificate of compliance for the sale of wine at a retail food store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six months of the date of the certificate, or if the retail food store for which a certificate was granted is not in operation within twelve months following the issuance of certificate; provided, however, that the Mayor or a majority of the council may, upon written request of the applicant, extend the expiration date of a certificate for up to three additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted

and all applicable requirements of this article are met at the time the new application is received.

This ordinance shall take effect 20 days after its final passage the public welfare requiring it.

1<sup>st</sup> reading 1-12-14

Public hearing                     

2<sup>nd</sup> reading 2-9-14

  
Rick Johnson, Mayor

  
Phyllis Schaeffer, City Recorder