

ORDINANCE 22-O-03 amending the Murfreesboro City Code, Chapter 4, Alcoholic Beverages, Sections 4-2 and 4-7, regarding defined terms and retail liquor certificates of compliance; initial application; approval.

WHEREAS, the City of Murfreesboro has authorized the retail sale of liquor and spirituous beverages pursuant to state law and local election; and

WHEREAS, the City of Murfreesboro has placed certain regulations and restrictions on retail liquor stores, including the application process for obtaining a certificate of compliance, in Chapter 4, Article II, of the Murfreesboro City Code; and

WHEREAS, the City Council desires to further define certain elements of the application process in order to promote clarity in the administrative process and fairness among applicants.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Murfreesboro City Code Section 4-2 – Terms defined, subsection (A), is amended by inserting the following as new subsection (3) and renumbering current subsections (3) through (14) as subsections (4) through (15).

(3) “*City Recorder.*” The City Recorder and/or, for the purpose of carrying out the administrative provisions of this chapter, his or her designee.

SECTION 2. Murfreesboro City Code Section 4-7 - Retail liquor certificate of compliance; initial application; approval, subsection (C)(3), is amended by deleting subsection (C)(3) in its entirety and replacing it with the following:

(3) Provide proof to the City Recorder that the applicant has satisfied any and all applicable requirements that are now or may be imposed by the Commission on applicants for a retail liquor license;

SECTION 3. Murfreesboro City Code Section 4-7 - Retail liquor certificate of compliance; initial application; approval, subsection (D), is amended by deleting subsection (D) in its entirety and replacing it with the following:

(D) Applications for a Retail Liquor Certificate of Compliance shall be received and processed by the City Recorder as follows:

(1) Upon receiving an application for a Retail Liquor Certificate of Compliance, the City Recorder shall review the application.

(2) Only complete applications shall be accepted for consideration. If the City Recorder determines that an application is incomplete, the City Recorder shall inform the applicant of any deficiency and further inform the applicant that said application will not be considered (and will have no seniority status pursuant to subsection (D)(3), below) until it is complete.

(3) Complete applications will be considered in the chronological order in which they are accepted for consideration, and no consideration will be given to the fact that other applications have subsequently been received.

- (4) Upon determining that the application meets the requirements of Section 4-7(C), the City Recorder shall present the application, along with the applicant's proposed Certificate of Compliance, to Council for consideration at the earliest possible meeting.
- (5) Once the number of complete applications equals the number of remaining available licenses in the City, the City Recorder shall notify all applicants in the process of completing an application (and of which the City Recorder is reasonably aware) that any further submitted application is subject to automatic denial due to the issuance of all available Certificates of Compliance.
- (6) Once all available Certificates of Compliance have been issued by the City Council, the City Recorder shall notify all applicants of which the City Recorder is aware with pending complete or incomplete applications that no more Certificates of Compliance are available, and all such applications shall be automatically and administratively denied. Further, the City Recorder shall not accept any further applications for review and/or acceptance until such time as a license becomes available in the City.


SECTION 4. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

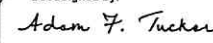
1st reading Apr: 121, 2022
2nd reading May 5, 2022


Shane McFarland, Mayor

ATTEST:


Jennifer Brown
City Recorder

APPROVED AS TO FORM:

DocuSigned by:

Adam F. Tucker
City Attorney

