

RESOLUTION NO. 26969

A RESOLUTION REQUESTING THE LEGISLATURE TO ADOPT
LEGISLATION FOR RECIPROCAL ENFORCEMENT OF
ALCOHOL AND BEER LAWS AND REGULATIONS.

WHEREAS, the Beer Board of the City of Chattanooga has the duty to regulate the sale and consumption of beer and malt beverages in the City of Chattanooga;

WHEREAS, the duties of the Beer Board include enforcing City of Chattanooga ordinances relating to the sale and consumption of beer and malt beverages in the City of Chattanooga;

WHEREAS, as part of its enforcement authority, the Beer Board is authorized to suspend or revoke a permit for the sale and consumption of beer and malt beverages;

WHEREAS, the Tennessee Alcohol Beverage Commission has the duty to regulate the sale and consumption of alcoholic beverages other than beer and malt beverages;

WHEREAS, the duties of the Tennessee Alcohol Beverage Commission include enforcing Tennessee statutes and regulations relating to the sale and consumption of alcoholic beverages other than beer and malt beverages in the State of Tennessee;

WHEREAS, as part of its enforcement authority, the Tennessee Alcohol Beverage Commission is authorized to suspend or revoke a permit for the sale and consumption of alcoholic beverages other than beer and malt beverages;

WHEREAS, many establishment hold a permit for the sale and consumption of beer and malt beverages and a permit for the sale and consumption of alcoholic beverages other than beer and malt beverages;

WHEREAS, under current law the revocation or suspension of a permit issued by the Beer Board does not result in the revocation or suspension of a permit issued by the Tennessee Alcohol

Beverage Commission nor does the revocation or suspension of a permit issued by the Tennessee Alcohol Beverage Commission result in the revocation or suspension of a permit issued by the Beer Board even though the violation cited would be a violation of the permit issued by the Tennessee Alcohol Beverage Commission and the permit issued by the Beer Board;

WHEREAS, in order to increase government efficiency and coordination between the local beer and malt beverage regulatory agencies and the Tennessee Alcohol Beverage Commission and reduce costs and duplication of efforts while maintaining due process protections, the Tennessee statutes should be amended to allow for reciprocal permit actions;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that the Legislature be requested to enact the following legislation:

AN ACT TO AMEND T.C.A § 57-4-202 TO PROVIDE FOR THE SUSPENSION OR REVOCATION OF A BEER LICENSE UPON THE SUSPENSION OR REVOCATION OF AN ALCOHOLIC BEVERAGE PERMIT AND TO PROVIDE FOR THE SUSPENSION OR REVOCATION OF AN ALCOHOLIC BEVERAGE PERMIT UPON THE SUSPENSION OR REVOCATION OF A BEER LICENSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. T.C.A. § 57-4-202 is amended by deleting the language set forth in that section and by substituting the following language in lieu thereof:

Section 57-4-202. Revocation or suspension; notice; appeal and review

- (a) The commission shall have authority to revoke or suspend any permit granted herein for the violations of the provisions of any applicable provision of this chapter, and any person aggrieved by the action of this commission in revoking or suspending a permit, or in refusing to grant a permit, may have such action reviewed as provided by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

- (b) Upon the alcohol beverage commission's order to revoke or suspend any permit as provided by this section becoming final, local or municipal beer or alcohol commissions responsible for controlling the sale of beer are authorized, in the case of a suspension, to suspend the establishment's authority to sell beer or malt beverage for the same period of time, or, in the case of a revocation, to revoke the establishment's authority to sell beer or malt beverage. Any action by a local or municipal beer or alcohol commission responsible for controlling the sale of beer to revoke or suspend a permit pursuant to this subsection may be reviewed as provided for by T.C.A. § 57-5-108. The provisions of this subsection shall apply to counties with populations of more than one hundred fifty thousand (150,000) according to the 2010 federal census or any subsequent federal census.
- (c) When local or municipal beer or alcohol commissions responsible for controlling the sale of beer find violations, as defined in this chapter, in the sale of beer or malt beverages consumed on-premises that result in the suspension of operation for specified periods of time or the revocation of a license, such beer or malt beverage sale suspension may also include suspension of such establishment's authority to sell alcoholic beverages for the same period of time, or, in the case of license revocation, may also include revocation of the establishment's authority to sell alcoholic beverages, and the local or municipal commission shall serve notice of the alcohol beverage suspension or revocation upon the alcohol beverage commission, which shall review that suspension or revocation within thirty (30) days of receipt of such notice, and render a decision affirming or reversing such suspension or revocation. Such decision shall be final, and any party aggrieved thereby may appeal the decision as provided by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Failure of the alcohol beverage commission to act within thirty (30) days shall be construed as an affirmation of such suspension or revocation. The provisions of this subsection shall not apply to counties with a metropolitan form of government.

Section 2. This Act shall take effect July 1, 2012, the public welfare requiring it.

ADOPTED: January 31, 2012.

KJR/mms