

TITLE

AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO AMEND SECTION 11-201, TITLED "CUSTOMER'S ABILITY TO BRING ALCOHOLIC BEVERAGES INTO A PLACE OF BUSINESS FOR PERSONAL CONSUMPTION," TO LESSEN THE RESTRICTIONS FOR SUCH ACTIVITY.

WHEREAS, City Code §11-201 allows patrons to bring beer and/or wine for personal consumption into food service establishments with the permission of the owner provided that the business either possesses a valid on-premises beer permit or the management of the business possess a valid server permit from the Tennessee Alcoholic Beverage Commission; and

WHEREAS, this practice is typically referred to as "brown-bagging"; and

WHEREAS, as written, City Code §11-201 prohibits brown-bagging in businesses that are not "food service establishments"; and

WHEREAS, this provision limits certain businesses—business that were not prevalent years ago when this provision was enacted—from being able to come into the city limits and offer the same services as they do in nearby cities such as Knoxville; and

WHEREAS, one example of such business would be the "paint and sip" businesses that offer art studios and allow patrons to bring wine or other alcoholic beverages on the premises; and

WHEREAS, the City desires to amend §11-201 so as to not prohibit these new types of businesses from being able to come into the city limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 11, titled "Municipal Offenses," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 11-201, titled "Customer's Ability to Bring Alcoholic Beverages into a Place of Business for Personal Consumption," and substituting therefor a new Section 11-201, titled, "Customer's Ability to Bring Alcoholic Beverages into a Place of Business for Personal Consumption (Brown-bagging)," which new section shall read as follows:

Section 11-201. Customer's Ability to Bring Alcoholic Beverages into a Place of Business for Personal Consumption (Brown-bagging).

- (1) Customers may bring alcoholic beverages (brown-bagging) into a place of business for personal consumption conditioned upon the following:
 - (a) The business owner (who must possess a valid Oak Ridge business license) has given written consent for such beverages to be brought into the business for customers' personal consumption and/or the consumption of the customer's personal guests; and
 - (b) Such alcoholic beverages are not prohibited by state law or the Tennessee Alcoholic Beverage Commission from being brought into the premises.
- (2) This provision does not negate the customers' responsibilities nor the business owner's responsibilities regarding safe and responsible alcohol consumption. Management of the

business must ensure any and all consumers of alcohol on the premises are twenty-one or older.

- (3) The owner's written consent as set forth in this section shall be evidenced by a posted notice signed by the owner displayed inside the business for public view. The City will provide owners with a notice form for use. Said notice will enable law enforcement to know whether brown-bagging is permissible within the establishment.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

First Reading: 03/11/2019
Publication Date: 03/14/2019
Second Reading: _____
Publication Date: _____
Effective Date: _____

Mary Beth Hickman, City Clerk