

**ORDINANCE**

ORDINANCE NO.

AN EMERGENCY  
ORDINANCE OF THE  
COUNCIL OF THE CITY OF  
KNOXVILLE TO AMEND  
SECTION 4-39 OF THE  
KNOXVILLE CITY CODE TO  
AUTHORIZE CERTAIN  
PERMITHOLDERS TO  
DELIVER BEER DIRECTLY  
TO CUSTOMERS DURING  
THE COVID-19 PANDEMIC  
WITHIN THE CITY LIMITS  
OF KNOXVILLE.

ORDINANCE NO: \_\_\_\_\_

REQUESTED BY: Beer Board Chair  
Roberto and Councilmember Smith

PREPARED BY: Law

APPROVED ON 1<sup>ST</sup>

READING: \_\_\_\_\_

APPROVED ON 2<sup>ND</sup>

READING: \_\_\_\_\_

APPROVED AS AN EMERGENCY

MEASURE: \_\_\_\_\_

MINUTE BOOK: \_\_\_\_\_ PAGE \_\_\_\_\_

**WHEREAS**, local, state, and federal officials have taken numerous actions to limit the spread of Coronavirus 2019 (COVID-2019), including a series of statewide executive orders, a national emergency declaration by the President, a City declaration of civil emergency, and a Safer at Home declaration by the Knox County Public Health Department; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is frequently spread “[b]etween people who are in close contact with one another (within about 6 feet)”; and

**WHEREAS**, the President’s Coronavirus Guidelines for America encourage people to contribute to the containment of COVID-19 by taking various precautions, including:

- a. Avoiding social gatherings of ten (10) or more people; and

b. Avoiding eating or drinking at restaurants, bars, and food courts, and instead using drive-thru, pick-up, or delivery options.

**WHEREAS**, restaurants and bars in our community have been uniquely damaged by the COVID-19 outbreak, and it is important to provide them and the many Tennesseans they employ with tools to weather these unique circumstances and continue serving customers in an innovative, safe way; and

**WHEREAS**, on March 22, 2020, Governor Lee issued Executive Order No. 17 which suspended certain laws related to the delivery of alcoholic beverages or beer for restaurants, limited service restaurants, and wine-only restaurants as defined in Tennessee Code Annotated §§ 57-4-102 and 57-4-101(c); and

**WHEREAS**, the Council of the City of Knoxville desires to authorize the City's current beer permit holders with a City beer permit classified as "Retailer on- and off-premises permit" to delivery beer within the City limits, so long as they comply with the requirements set forth in Governor Lee's Executive Order No. 17, Section 5, subsections (b) through (g); and

**WHEREAS**, given the circumstances of COVID-19 and the current civil emergency that has been declared, Council finds that it is necessary for the immediate preservation of property and the public peace that this Ordinance to take effect immediately upon its passage.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:**

**SECTION 1:** Chapter 4, Article II, Division 1, Section 4-39 of the Code of City

Ordinances is hereby amended to add the following:

Notwithstanding any other provisions of this Article to the contrary, the Beer Board authorizes current permitholders with Retailer On-and Off Permits as set forth in Section 4-60(a)(4) to sell beer for delivery, so long as the following conditions are met:

(a) Beer sold under this Section must be packaged in a container or bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap, and customers shall not remove such lids or caps while occupying a motor vehicle;

(b) Single servings of beer and multi-servings of bottles or containers of beer normally sold by the restaurant may be sold under this Section;

(c) Permitholders selling beer under this Section shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416: “No driver shall consume any alcoholic beverage or beer or possess and open container of alcoholic beverage or beer while operating a motor vehicle in this state.”;

(d) An employee or contractor of the permitholder providing or delivering beer to a customer under this Section shall not provide or deliver beer to a person who is under twenty-one (21) years of age and may not provide or deliver beer to a person who is visibly intoxicated. Any such employee providing or delivering the beer must visually inspect (while complying with the 6-foot social distancing requirement) a valid government-issued document deemed acceptable to the restaurant that includes the photograph and birth date of the adult customer attempting to make the purchase of beer and confirm that the person is at least twenty-one (21) years of age;

(e) A person delivering beer under this Section must be at least twenty-one (21) years of age and must have a valid driver license; and

(f) Any beer sold and delivered under this Section must be sold and delivered during current operating hours.

**SECTION 2:** This Section of the City Code is temporary, and shall only be in effect until April 6, 2020, or until such time as the Governor’s Executive Order No. 17 expires, whichever is later. Should the Governor extend the effective period of Executive Order No. 17, this new Section 4-39 shall remain in full force and effect. If any section or

sections of this Ordinance are held invalid, such invalidity shall not affect other provisions or sections of this Ordinance.

**SECTION 3:** An emergency is declared to exist, in that it is necessary for the immediate preservation of the public peace, property, health or safety that this Ordinance take effect immediately upon its passage.

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Presiding Officer of the Council

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City Recorder