



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615) 791-3217

Meeting Agenda

Board of Mayor & Alderman

Thursday, September 22,
2022

5:30 PM

Board Room

Special Meeting

PUBLIC NOTICE of SPECIAL MEETING

Notice is hereby given, a Special Meeting of the City of Franklin Board of Mayor and Alderman will be held on September 22, 2022. The Special Meeting will be held at 5:30 p.m., in the Board Room of City Hall, 109 3rd. Ave S., Franklin, Tennessee for the following purpose:

1. Consideration Of Ordinance 2022-37, An Ordinance To Amend The Franklin Municipal Code Relative To Beer Privilege Tax And Penalties For Failure To Pay. FIRST OF TWO READINGS

CALL TO ORDER

NEW BUSINESS

1. Consideration Of Ordinance 2022-37, An Ordinance To Amend The Franklin Municipal Code Relative To Beer Privilege Tax And Penalties For Failure To Pay. FIRST OF TWO READINGS
Beer 9/13/22
WS 9/13/22

Sponsors: Shauna Billingsley, Jessica Davey

EXECUTIVE SESSION

ADJOURN



File #: 21-03595

DATE: September 14, 2022
TO: Board of Mayor and Aldermen
FROM: Eric Stuckey, City Administrator
Shauna Billingsley, City Attorney
Jessica Davey, Revenue & Licensing Manager

SUBJECT:

Consideration Of Ordinance 2022-37, An Ordinance To Amend The Franklin Municipal Code Relative To Beer Privilege Tax And Penalties For Failure To Pay. FIRST OF TWO READINGS
Beer 9/13/22
WS 9/13/22

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Ordinance 2022-37, an ordinance to amend the Franklin Municipal Code relative to beer privilege tax and penalties for failure to pay.

BACKGROUND/STAFF COMMENTS:

The City's current ordinance establishes a \$100 beer privilege tax due each January 1st and imposes automatic revocation of the beer permit for one year if the tax is delinquent. Further, the current ordinance provides no method for reinstatement of the permit. This amendment provides a 30-day grace period before revocation, after which a \$50 per day penalty will accrue. Upon payment of the tax and accrued penalties, the beer permit may be administratively reinstated. Finally, permittees who are delinquent two consecutive years will be assessed the same penalties, but must attend a Beer Board hearing for permit reinstatement.

FINANCIAL IMPACT:

There is no cost to the City related to this ordinance. The annual privilege tax remains \$100, but the amendment adds a \$50 per day penalty for late payment.

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Ordinance 2022-37 on First Reading.

ORDINANCE 2022-37

AN ORDINANCE TO AMEND THE FRANKLIN MUNICIPAL CODE RELATIVE TO BEER PRIVILEGE TAX AND PENALTIES FOR FAILURE TO PAY

WHEREAS, to promote the health, safety, human rights, prosperity, and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to prescribe regulations and standards relative to the sell of beer within the City; and

WHEREAS, the City of Franklin requires a privilege tax for the sell of beer pursuant to Section 8-217; and

WHEREAS, the Franklin Municipal Code currently states that failure to pay the privilege tax on or before January 1 of each year results in an automatic revocation; and

WHEREAS, the Franklin Municipal Code further states that a revocation of a permit shall be for a period of 365 days; and

WHEREAS, the Board of Mayor and Aldermen find that amending the Franklin Municipal Code to provide for a grace period of 30 days after January 1 of each year, an automatic revocation for non-payment starting February 1 of each year, and a penalty of \$50 per day for failure to pay the tax beginning February 1 of each year, along with administrative reinstatement after payment of tax and penalty to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:

SECTION I. Section 8-217 of the Franklin Municipal Code shall be deleted in its entirety and replaced with the following:

- (1) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax as specified in appendix A, comprehensive fees and penalties. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax annually on or before January 1 to the City of Franklin. The tax shall be remitted to the City Administrator of the City of Franklin. Failure to remit the tax by February 1 shall result in automatic revocation of the license and a penalty of \$50 per day until the tax has been paid in full. The permittee shall immediately surrender the permit to the City after February 1. Upon payment of the tax and any penalties assessed, the permit may be administratively reinstated by the City.
- (2) Permittees who fail to remit payment of the privilege tax by January 1 for two (2) consecutive years shall have the permit revoked automatically on February 1 after the second year of delinquent payment and shall remain revoked until the Permittee has a hearing with the Beer Board for reinstatement. The Permittee will also be required to pay a penalty of \$50 per day until the Beer Board reinstates the permit.
- (3) At the time a new permit is issued to any business that is subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment is due. The tax funds so collected may be used for any valid public purpose.

SECTION II. Section 8-228 of the Franklin Municipal Code shall be amended by adding a new section 1 and the following sections renumbered accordingly with the new paragraph section to read as follows:

(1) This section shall not apply to automatic revocations pursuant to Section 8-217.

SECTION III. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to Form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING:

PASSED SECOND READING:
