

ORDINANCE NO. 2015-10

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE
AMENDING THE FAYETTEVILLE MUNICIPAL CODE TITLE 8,
CHAPTER 1, SECTION 8-106 ENTITLED RESIDENCY REQUIREMENT.**

WHEREAS, Tennessee Code Annotated § 57-3-208(c) authorizes municipalities to impose “reasonable residency requirements” for anyone seeking a certification of compliance in connection with applying for a state liquor license; and

WHEREAS, the Code of the City of Fayetteville contains a provision codified in Section 8-106 that requires an applicant for certification to become the operator of a liquor retail store in the City of Fayetteville to be a bona fide resident of Lincoln County not less than one (1) year at the time the application is filed unless the applicant has otherwise been continuously licensed for a period of seven (7) consecutive years; and

WHEREAS, a question has been raised about the constitutionality of the state law permitting residency requirements in light of a Tennessee Attorney General’s Opinion concluding that residence requirements imposed by other state statutes for liquor retailers are unenforceable; and

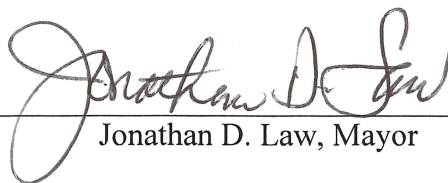
WHEREAS, continuing to enforce the City Code residency requirement arguably results in discrimination under the federal Commerce Clause of the United States Constitution and could subject the City to potential liability; and

WHEREAS, repeal of Code Section 8-106 is in the best interest of the citizens of the City of Fayetteville.

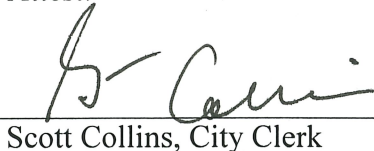
NOW, THEREFORE, BE IT ORDAINED by the City of Fayetteville Board of Mayor and Alderman that the Municipal Code shall be amended to repeal in its entirety Section 8-106.

BE IT FURTHER ORDAINED that this amendment shall take effect from and after its, passage, the public welfare requiring it.

Adopted this 8th day of December, 2015.


Jonathan D. Law, Mayor

Attest:


Scott Collins, City Clerk