

Title 8

ALCOHOLIC BEVERAGES*

*Cross reference—Open containers prohibited, § 11-1002.

CHAPTER 1. INTOXICATING LIQUORS*

*Editor's note—Ordinance No. 90-817, upon which this chapter is based, repealed in its entirety ch. 1, title 2 of the 1968 Municipal Code.

Sec. 8-101. Scope of chapter.

This chapter shall govern the storage, transportation, sale, distribution and possession of alcoholic beverages in the City. In this chapter, the term "alcoholic beverages" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two contain an alcoholic content of five percent by weight or less.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent by weight or less, and no ordinance related thereto is modified by this chapter.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-102. State laws to be complied with.

No person, firm, corporation, association or partnership shall engage in the wholesale or retail liquor business unless all the necessary state licenses and permits have been obtained.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-103. Restrictions on operators of retail liquor stores.

(1) *Government employees prohibited from obtaining permit.* No person, member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages, as herein defined, if he is a holder of a public office, either appointed or elective, or who is a public employee either national, state, City or county, except uncompensated appointed members of boards of commissioners who have no duties covering the regulation of permit holders under this chapter. It shall be unlawful for any such person to have any interest in such retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(2) *Residence requirements.* No person, member of a firm, corporation, partnership or association shall own or operate a retail store for the sale of alcoholic beverages, as herein defined, if he shall not have been a resident of Wilson County for five years prior to making application for a license. This requirement as to residence in the case of a corporation, firm, associations, or a partnership shall apply to all of its officers, stockholders, and partners.

(3) *Age limit.* No retailer engaged in any activity covered by this chapter shall be a person under the age of 18 years. No employee engaged in any activity covered by this chapter shall be a person under the age of 18 years, and it shall be unlawful for any retailer or employee to permit any such person under the age of 18 years in his place of business to engage in the sale of alcoholic beverages.

(4) *Employees.* No retailer shall employ in the sale, storage, or distribution of alcoholic beverage any person who, within ten years prior to the date of his employment, shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances, and in case an employee should be so convicted after becoming employed, he shall immediately be discharged.

(5) *Transfer or sale of license prohibited.* The holder of a license may not sell, assign, or transfer such license to any other person, and the license shall be good and valid only for the calendar year in which the same was issued and at the location specified in the license.

(6) *Undisclosed interest prohibited.* It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in the business and the nature, extent and character thereof shall appear on the application; or, if the interest is acquired after the issuance of the license, unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or, if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and the purchaser.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-104. Certificate of good moral character--Forms and fee.

(1) *Forms and fee.* Before any character certificate, as required by T.C.A. § 57-3-208 or a renewal as required by T.C.A. § 57-3-213 shall be signed by the mayor, or by any councilmember, an application in writing shall be filed with the City recorder on a form to be provided by the City, giving the following information:

(a) Name, age and address of the applicant.

(b) Number of years residence in the City.

(c) Occupation or business and length of time engaged in such occupation or business.

(d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this Code or any City ordinance, and the details of any such conviction.

(e) If employed, the name and address of employer.

- (f) If in business, the kind of business and location thereof.
- (g) The location of the proposed store for the sale of alcoholic beverages.
- (h) The name and address of the owner of the store.

(i) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

Each application shall be accompanied by a nonrefundable investigation fee of \$250.00.

(2) *Privilege license tax.* In addition to the investigation fee levied under subsection (1) of this section, there shall be levied on the business a privilege license tax in accordance with the provisions of the "Business Tax Act" as enacted by T.C.A. § 67-4-101 et seq.

(Ord. No. 90-817, 12-4-1990)

State law reference—T.C.A. § 57-3-208 requires the certificate of good moral character to be signed by the mayor or a majority of the governing body.

Sec. 8-105. Certificate of good moral character--Expiration and renewal.

Certificates of good moral character issued under this chapter shall expire after two years or any time there is a change in ownership of the licensed establishment or any time a license issued by the Alcoholic Beverage Commission is revoked, canceled, or otherwise terminated other than by annual expiration.

(Ord. No. 90-817, 12-4-1990; Ord. No. 92-952, 7-21-1992)

State law reference—T.C.A. § 57-3-213.

Sec. 8-106. Certificate of good moral character--Issuance.

A certificate of compliance shall be authenticated as any other resolution of the city council if the city council while in session shall find that the applicant fulfills all the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.

(2) If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.

(3) The applicant has not violated any of the provisions of this chapter or the laws of the state and of the United States which regulate the control of intoxicating liquors, within ten years prior to the date of this application.

(4) The applicant has not been convicted of a felony within ten years prior to the date of application.

(5) In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.

(6) The applicant meets all the other requirements of this chapter.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-107. Certificate of good moral character--Approval, etc.

(1) An application for certificate of compliance must be submitted by all owners, partners, stockholders or directors of the store, whether same is a firm, partnership, or corporation, and failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, nor as a stockholder, officer or director on more than one application, nor hold more than one permit at the same time.

(2) A copy of each application form, questionnaire, partnership agreements or any other form of material required to be filed with the state Alcoholic Beverage Commission in connection with this same application, shall be attached to the City application form and shall become a permanent part thereof as if copied verbatim therein. The commissioner of finance and revenue shall review the applications and notify the applicants, the city council and mayor of any errors and insufficiencies based on the application. The application shall be signed and verified as to all owners, partners, stockholders, directors or otherwise and shall reflect the names of all persons having any financial interest in and to the proposed liquor store. No sale, transfer or gift of any interest of any nature, either financial or otherwise, shall be made without first obtaining a permit from the City and the state Alcoholic Beverage Commission.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-108. Certificate of good moral character--Filing and processing.

(1) *Filing an application.* All applications submitted in accordance with this chapter shall be filed with the commissioner of finance and revenue at least ten days prior to a regular or special called meeting. The mayor and city council shall receive the applications and take appropriate action in accordance with this chapter.

(2) *Employee permits.* Applicants for an employee permit to serve as an employee in the place of business of a retail liquor store under the provision of T.C.A. § 57-3-204 shall submit the name of such employee to the chief of police of the City, and/or the commissioner of finance and revenue. The City shall charge no fee for employee permits.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-109. Privilege license required.

Before any person shall engage in the sale of alcoholic beverages, a privilege license must be obtained from the commissioner of finance and revenue. There shall be no fee for said license. The commissioner of finance and revenue shall not issue said license until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the commissioner of finance and revenue the state retailers license issued to the applicant by the Alcoholic Beverage Commission.

(Ord. No. 92-952, 7-21-1992)

Sec. 8-110. Regulations of sale.

(1) *Hours of sales on weekdays.* Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 a.m. and 11:00 p.m. on weekdays and Saturdays.

(2) *Sale by retail only.* Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) *Sales on Sundays prohibited.* No retailer shall sell any alcoholic beverages between 11:00 p.m. on Saturdays and 8:00 a.m. on the following Monday of each week.

(4) *Sales to minors prohibited.* No retailer shall sell any alcoholic beverages to any person under 21 years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of 21 years.

(5) *Sales on certain holidays prohibited.* No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and the Fourth of July.

(6) *Keeping an unsealed bottle or container prohibited.* No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) *Sales to person intoxicated prohibited.* No retailer shall sell any alcoholic beverages to any person who is drunk, nor shall any retailer sell any alcoholic beverages to any person accompanied by a person who is drunk.

(8) *Sales on credit prohibited.* No holder of a permit for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered any alcoholic beverages on credit.

(9) *Unstamped merchandise prohibited.* No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the state to have affixed thereto revenue stamps of the state.

(10) *Political advertising prohibited.* No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) *Consumption on the premises prohibited.* No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-111. Retail store restrictions and inspection.

(1) No retail store shall be permitted except on property in zoning districts B-4 (highway business), B-5 (interchange business), and M-4 (business/manufacturing park); use on appeal may be granted by the Board of Zoning Appeals within other commercial zoning districts. No retail store shall be allowed when it is 450 feet or nearer from the front door of any church or school to the front door of the store, as measured in a straight line, nor on any property adjoining a school or church all based upon conditions existing at the time of the original application.

(2) No retail store shall be located except on the ground floor, and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two streets, such retail store may maintain a door opening on each of the public streets; provided, however, that any salesroom adjoining the lobby of a hotel or other public building may maintain any additional door into such lobby, so long as same shall be opened to the public. In addition, to the fullest extent consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of the sale or dispensing of alcoholic beverages there sold or dispensed. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type building. The store shall have night lighting surrounding the outside of the premises and shall be equipped with a burglar alarm system on the inside of the premises and shall be of a minimum size of 1,000 square feet. All retail sales shall be confined to the premises of the structure and no curb service shall be permitted nor shall there be permitted drive-in windows.

(3) Duly authorized representatives of the City shall have the right to inspect the premises of any licensee under this chapter during the hours when such establishments are open for the conduct of business.

(Ord. No. 90-817, 12-4-1990; Ord. No. 95-1294, §§ 1, 2, 3-30-1995; Ord. No. 04-2570, 3-16-2004)

Sec. 8-112. Inspection fees.

(1) *Inspection fee.*

(a) There is hereby levied and imposed an inspection fee of five percent on all purchases of alcoholic beverages by the retailer.

(b) There is hereby levied and imposed an inspection fee of five percent (5%) for retail food store wine licensees pursuant to Tennessee Code Annotated § 57-3-501.

(2) *Collection by wholesaler from retailer.* The inspection fee shall be collected by the wholesaler from the retailer at the time of the sale or at the time the retailer makes payment for delivery of the alcoholic beverages.

(3) *Fees to be held until paid to City.* Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City as hereinafter provided.

(4) *Monthly report-payment.* Each wholesaler making sales to retailers located within the corporate limits of the City shall furnish the City a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

(b) The wholesale price of the alcoholic beverages sold to such retailer;

(c) The amount of tax due under this section; and

(d) Such other information as may be required by the commissioner of finance and revenue of the City.

The monthly report shall be furnished to the commissioner of finance and revenue of the City not later than the 20th of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City shall be paid to the City at the time the monthly report is made. Wholesalers collecting and remitting the inspecting fee to the City shall be entitled to reimbursement for this collection service a sum equal to five percent of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City.

(5) *Failure to report and remit fees.* Each wholesaler who fails to collect and/or remit the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent of the fee due the City which shall be payable to the City.

The City shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of the monthly report.

(6) *Disposition of fee.* The commissioner of finance and revenue shall deposit all funds collected hereunder in the general fund.

(Ord. No. 90-817, 12-4-1990; Ord. No. 92-952, 7-21-1992; Ord. No. 16-5219, 5-17-2016)

Sec. 8-113. Public drinking and display prohibited.

It shall be unlawful for any person to drink any alcoholic beverages or physically and openly possess, display, exhibit or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant or on any public street or sidewalk, or in any public park, playground, theater, stadium, school or school ground.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-114. Penalties.

Any violation of any section of this chapter, upon conviction, shall be punished according to T.C.A. § 57-3-412.

(Ord. No. 90-817, 12-4-1990)

Sec. 8-115. Privilege tax on liquor-by-the-drink.

(1) There is hereby levied a tax on the privilege of engaging in the business of selling at retail alcoholic beverages for consumption on premises. For the exercise of such privilege, the following taxes are levied to be paid annually:

Private Club	\$300.00
Hotel and Motel	\$1,000.00
Convention Center	\$500.00
Premiere Type Tourist Resort	\$1,500.00

Restaurant, according to seating capacity, on licensed premises:

75--125 seats	\$600.00
126--175 seats	\$750.00
176--225 seats	\$800.00
226--275 seats	\$900.00
276 seats and over	\$1,000.00
Historic Performing Arts Ctr.	\$300.00
Urban Park Center	\$500.00
Commercial passenger boat co.	\$750.00
Historic Mansion House Site	\$300.00
Community theater	\$300.00
Zoological institution	\$300.00
Museum	\$300.00
Establishment in a terminal building or a commercial air carrier airport	\$1,000.00
Commercial airline travel club	\$500.00

(2) It shall be unlawful for any person to engage in the retail sale of alcoholic beverages for on-premises consumption in the City without having first obtained a permit evidencing payment of the aforesaid privilege tax which shall be renewed on March 1 of each year.

(Ord. No. 91-898, §§ 1, 2, 11-19-1991)

CHAPTER 2. BEER*

*Editor's note—Ordinance No. 91-835, upon which the chapter is based, repealed in its entirety ch. 2, title 2 of the 1968 Municipal Code, as amended.

Sec. 8-201. Scope of chapter.

This chapter shall govern the storage, transportation, sale, distribution, possession, receipt and/or manufacture of beer of alcoholic content of not more than eight percent by weight, or any other beverage of like alcoholic content in the City. In this chapter "beer" shall mean and include beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent by weight, except wine.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession, or receipt of or tax upon any beverage of alcoholic content of eight percent by weight or more, and no ordinance related thereto is modified by this chapter.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998; Ord. No. 17-5544, 12-5-2017)

Sec. 8-202. Beer board membership, organization, meetings, and quorum.

The beer board of the City shall consist of five members, appointed by the mayor and approved by the city council, who shall hold office at the pleasure of the mayor and city council for a term of three years.

Members of the beer board shall select one of their number to act as chairman. It shall be the chairman's duty to preside at meetings of the beer board. The commissioner of finance and revenue shall see that accurate and detailed records are kept of the board's proceedings.

The beer board shall hold regular meetings at such place and at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member and to the public. The board may adjourn a meeting at any time to another time and place.

At all meetings of the beer board, a majority shall constitute a quorum, but the board shall act only by vote of a majority of all its members. The chairman may vote in all cases and an affirmative vote of three members shall be required for any action.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-203. Issuance of beer license authorized.

The commissioner of finance and revenue shall issue a license for the transportation, storage, sale, distribution, possession, receipt, and/or manufacture of beer of an alcoholic content of not more than eight percent by weight, or any other beverage of like alcoholic content, when the applicant therefor pays the license fee as prescribed in this chapter after a beer permit has been issued in accordance with the provisions of this chapter by the beer board.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998; Ord. No. 17-5544, 12-5-2017)

Sec. 8-204. Applications for and issuance of permits; record of permits issued; investigation of applications.

It shall be the duty of the commissioner of finance and revenue of the City to receive all applications for beer permits and licenses in the City. It shall then be his and the beer board's duty to act in all matters regarding the same as this chapter provides.

All applications for permits shall be filed and preserved by the commissioner of finance and revenue.

No permit shall be granted by the beer board except in strict conformity with the requirements and provisions of this chapter and of T.C.A. § 57-5-101 et seq.

It shall be the duty of the beer board, among other things, to require all applications for permits to be made in writing and properly verified, and no permit shall be issued until the permit fee prescribed in this chapter has been paid to the City, such payment to be evidenced by the production of a receipt of the commissioner of finance and revenue stamped paid.

Each application shall set forth the following:

- (1) Full name of applicant;
- (2) Age of applicant;
- (3) Residence address of the applicant, if an individual;
- (4) The full name, age, and residence address of each partner if the applicant is a partnership;
- (5) If the applicant is a corporation:
 - (a) The names and addresses of the principal officers;
 - (b) Whether the corporation is organized under laws of Tennessee, or of some other and what state;
 - (c) Whether it is duly authorized to transact business in Tennessee; and
 - (d) The address of its principal office in this state;

(6) Place where the business is to be conducted, giving street number, or other apt and definite description;

(7) The kind of permit desired, whether manufacturer's permit, off-premises consumption permit, on-premises consumption permit, or caterer's permit;

(8) Whether the applicant will conduct business in person, or acting as agent for any other person, firm, or corporation;

(9) Whether or not the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any felony or any crime involving moral turpitude within the past ten years.

Every application shall be dated and signed and shall be verified by affidavit sworn to before a notary public. The application shall be signed and verified by the applicant, if an individual, otherwise by a member of the firm, or an officer of the corporation.

Each permit shall show upon its face the correct name of the individual, corporation, incorporated club, or incorporated lodge to whom issued; the date of issuance; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit; the serial number of the permit; a statement that it is not transferable either as to the person to whom issued or the place where the business is to be conducted.

The commissioner of finance and revenue shall keep a book in which shall be entered separate lists of each class or character of permits issued by the beer board. This record shall show the serial numbers of the permits of each class; the date of issue; the name of the individual, corporation, incorporated club, or incorporated lodge, to whom issued; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit. In the case of a partnership, the record shall show the names of the partners and the firm name and style of the partnership. This book shall be kept up to date by the commissioner of finance and revenue and shall be a public record.

It shall be the duty of the beer board to make an investigation in the case of each written application, and to satisfy itself before granting a permit that the granting of the permit will be in strict conformity with the provisions and requirement of this chapter and with the provisions and requirements of T.C.A. § 57-5-101 et seq.

Pursuant to T.C.A. § 57-5-103(e), the mayor and the commissioner of finance and revenue are hereby authorized to take the necessary actions to enter into a contract with the Tennessee Bureau of Investigation for the purpose of running criminal history background and fingerprint checks on applicants for beer permits. Any fees charged by the TBI for the checks shall be passed on to the individual applicants.

Pursuant to T.C.A. § 57-5-104(b), timely payment of privilege tax of \$100.00 is required. Notice shall be mailed to each permit holder of the payment date of the annual tax at least 30 days prior to January 1. Notices shall be mailed to the address on the permit application. If a permit holder does not pay the tax by January 31, then the City shall notify the permit holder by certified mail

that the tax payment is past due. If a permit holder does not pay the tax within ten days after receiving notice of its delinquency by certified mail, then the City may suspend or revoke the permit or impose a civil penalty pursuant to T.C.A. § 57-5-108. At the time a new permit is issued to any business 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 date.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998; Ord. No. 10-3648, 3-2-2010; Ord. No. 19-5805, § 1, 4-2-2019; Ord. No. 19-5931, § 1, 11-5-2019)

Sec. 8-205. Location restrictions for beer permits.

(1) Except in the CD zoning district, no beer permit shall be issued to an applicant whose location is less than 100 feet from a church, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one or two families, as determined by the distance requirements of subsection (2) of this section. This subsection shall not affect any location for which a beer permit was in effect within 365 days of January 6, 2009, the effective date of the ordinance codified in this subsection, and, further, shall not affect said location thereafter so long as a beer permit is held for that location without lapse of more than 365 days, even if there is a change of ownership of the location or the business thereon; provided, however, the foregoing to the contrary notwithstanding, the distance requirements contained herein shall be applied to any location which has been granted a beer permit after January 6, 2009, that was not subject to a minimum distance requirement.

(2) Distances shall be measured in a straight line from the front door of the applicant's location to the front door of any church, school, day care center, nursery school, or dwelling, as determined by the door closest to the street upon which mailing addresses are determined, or, to the closest boundary of the playground of the church, school, or day care center, whichever is closest to the applicant's building. Additionally, such distances shall be measured in a straight line from the front door of the applicant's location to the closest boundary of any park.

(3) Any questions concerning the distance measurement involved may be submitted to the Board of Zoning Appeals by either the Beer Board or the applicant, for a determination of the correct distance requirements or to seek relief under the circumstances.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998; Ord. No. 08-3477, 1-6-2009, Ord. No. 15-5095, 1-19-2016)

Sec. 8-206. Revocation and suspension of beer permits.

Any permits or licenses issued under this chapter by the beer board may be revoked or suspended by the beer board.

Such revocation or suspension may be made for any violation of any provision of this chapter or any state or federal statute or regulation regarding the sale, possession, or manufacturing of alcoholic beverages or whenever it shall satisfactorily appear that the premises of any person, firm

or corporation holding a permit or license under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety and morals.

No permit or license shall be revoked on the grounds the operator or any person working for him sells beer to minors over the age of 18 years if such minor exhibits an identification, false or otherwise, indicating his age to be 21 years or over, if his appearance as to maturity is such that he might reasonably be presumed to be of such age and is unknown to such person making the sale. The license or permit may be suspended for a period not to exceed ten days.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-207. Revocation of permits for false statements in application.

The making of any false statement by an applicant for a permit in his application shall be sufficient grounds, reason, and cause for the revocation of the permit issued to him by the beer board.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-208. Restrictions on issuance of permit to applicant who has had permit revoked.

No holder of a permit whose permit has been revoked by the beer board for any false statement made in his application shall be eligible to be granted another permit within ten years from such revocation.

The holder of a permit whose permit has been revoked by the beer board for some grounds, cause, or reason other than the making of a false statement in his application, may be granted another permit by the beer board after the lapse of two years from the revocation of the first permit.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-209. Restrictions on issuance of permit at same location after revocation.

Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one year from the date the revocation becomes final and effective, except the board, in its discretion, may determine that issuance of a license or permit before the expiration of one year from the date of revocation becomes final is appropriate, if the individual applying for such permit is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-210. License fee forfeited upon revocation of permit.

No claim shall be made for refund of any part of a license fee paid by the holder of permit issued by the beer board, nor shall any right to a refund of any part of such license fee accrue to such holder, upon the revocation of such permit by the beer board.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required.

(1) There shall be four classes or kinds of permits issuable by the beer board, as follows:

(a) Manufacturer's permit. A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer which product may be consumed upon the premises of the manufacturer to the extent permitted by state law of general application or sold for off premises consumption. A manufacturer's permit may also include the on-premises consumption of other beers manufactured by different companies and at different locations to the extent as permitted by state law. A manufacturer of beer may maintain a manufacturer's tap room for the purpose of selling beer for consumption on or off premises with a manufacturer's permit. A manufacturer's permit is subject to the limitations and restrictions set forth pursuant to all state regulations and specially those set out at TCA 57-5-101 et. seq. Only one permit is required under a manufacturer's permit for the manufacturer of beer as well as on premises and off premises consumption of beer.

(b) An off-premises consumption permit to a wholesaler, dealer, or agent of a manufacturer, or to a person, partnership, corporation conducting a lawful business and paying privilege taxes for the conduct of the lawful business, for the receipt, possession, storage, sale, distribution, and transportation of beer of an alcoholic content of not more than eight percent by weight, or of any other beverage of like alcoholic content, not to be consumed by the purchaser upon or near the premises of the permittee.

(c) An on-premises consumption permit to an individual, corporation, incorporated club, incorporated lodge, or association for the receipt, possession, storage, and sale at retail of beer of an alcoholic content of not more than eight percent by weight, or of any other beverage of like alcoholic content, to be consumed by the purchaser and/or his guests upon the premises of the permittee.

(d) A caterer's permit to a person who holds a valid caterer license from the state alcoholic beverage commission for sale and consumption of wine and other alcoholic beverages pursuant to chapter 4 of title 57 of the T.C.A. (T.C.A. § 57-4-101 et seq.). Should the caterer's permit cease to hold a valid caterer license from the state alcoholic beverage commission, such caterer's permit shall be automatically deemed revoked by the board.

All caterer's permit holders shall be required to give advanced written notice to the beer board office via facsimile, email, or U.S. mail, not later than one business day prior to each event for which beer will be sold and consumed. Such notice shall include, but not be limited to, the date, time, and location of the event.

No caterer's permit shall be valid for the sale and consumption of beer on any premises within one hundred feet from a church or a school or its playground, unless the catered event is sponsored and held by the church or private school for the benefit of said church or school.

(2) The operator of a regularly conducted hotel, to whom an on-premises consumption permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to persons in rooms of the regularly conducted hotel.

(3) Any regularly incorporated club or lodge, to whom an on-premises consumption permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to members and guests of the members within the house or building of the club or lodge.

(4) To be issued a beer permit for a special event, the following conditions must be met:

(a) Special event beer permits allowing the temporary sale of beer shall be limited to two such permits in a calendar year for any applicant and shall be issued in the discretion of the Beer Board after consideration of any issue of public safety, including, but not limited to, traffic, security, ability of the applicant to abide by all City and State alcohol laws, and crowd control.

(b) Special event beer permits shall not exceed 30 days duration and are subject to the limitations on the days and hours of sale imposed by law.

(c) No special event beer permit shall be issued for the sale of beer on public property unless the applicant is a bona fide charitable or nonprofit organization, as defined by T.C.A. § 57-4-102(4) or a bona fide political organization, as defined by T.C.A. § 57-4-102(5). Such applicants for special event beer permits for public property must provide written notice from the benefitted entity to the Beer Board confirming its involvement in the special event, as well as documentation of the benefitted entity's status as a bona fide charitable or nonprofit organization or as a bona fide political organization, as previously defined. Such public property eligible to receive a special event permit shall be limited to the Lebanon Square and the Lebanon Square's associated parking areas, including the "old courthouse parking lot." No special event permits shall be issued for events in/on any City park, recreational facility or area, walking trail, athletic fields, or other City-owned property.

(d) No beer shall be distributed or sold in glass containers for any event issued a special event beer permit for public property.

(e) The fee for each special event beer permit shall be \$100.00.

(f) Any charitable, nonprofit, or political organization as herein defined issued a special event beer permit for an event taking place on public property may purchase their beer for sale or distribution from a state licensed distributor for the event or may partner with a local business holding a current and valid beer permit issued by the Lebanon Beer Board for distribution of beer at the event site during the event for which the charitable, nonprofit, or political organization received the special event permit.

(g) No special event beer permit shall be issued to any applicant that has been previously found to have violated any of the alcohol ordinances or laws of the City or the state or that is less than 21 years of age.

(h) Issuance of a special event beer permit shall be subject to the same rules and regulations as issuance of any on- or off-premises consumption permit.

(5) To be issued a beer permit for a festival, the following conditions must be met:

(a) A festival beer permit shall be defined as a single permit issued to a festival organizer that allows distribution of beer by multiple vendors at such festival in the Downtown Festival District.

(b) The temporary sale of beer shall be limited to two (2) such permits in a calendar year for any applicant and shall be issued at the discretion of the Beer Board after consideration of any issue of public safety, including, but not limited to, traffic, security, ability of the applicant to abide by all City and State alcohol laws, and crowd control.

(c) Festival event beer permits shall not exceed a 48 hour period unless otherwise specified by the Beer Board, subject to the limitations on the hours of sale imposed by law.

(d) No festival event beer permit shall be issued for the sale of beer on public property unless the applicant is a bona fide charitable or nonprofit organization, as defined by T.C.A. § 57-4-102(4) or a bona fide political organization, as defined by T.C.A. § 57-4-102(5). Such applicants for festival event beer permits for City owned property must provide written notice from the benefitted entity to the Beer Board confirming its involvement in the festival event, as well as documentation of the benefitted entity's status as a bona fide charitable or nonprofit organization or as a bona fide political organization, as previously defined. Such public property eligible to receive a festival event permit shall be limited to the Downtown Festival District being defined as the Lebanon Square's four quadrant parking areas around the perimeter of the roundabout and East Main Street between the roundabout and the North and South College Streets intersection, as well as the "old courthouse parking lot" at the corner of South Cumberland and West Gay Streets.

(e) The following information must be submitted with an application for a festival beer permit:

(i) The organization or business applying for the festival permit, contact person, address and phone number, along with documentation showing evidence of organization non-profit status.

(ii) Date and time of the festival.

(iii) The sponsors of the festival and the sponsor's contact person's address and phone number.

(iv) A map showing the specific location where beer is to be sold, distributed, or served along with barriers erected surrounding the distribution area with ingress and egress points clearly marked.

(v) The individual(s) with such organization responsible for supervising the sale and dispensing of the beer.

(vi) Plans for security and policing the area(s) where beer is to be sold.

(vii) If the festival covered by the “festival beer permit” will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the festival permit application.

(f) No beer shall be distributed or sold in glass containers or metal containers for any event issued a festival event beer permit for public property.

(g) The fee for each festival event beer permit shall be \$100.00.

(h) No charitable, nonprofit or political organization issued a festival event beer permit as herein defined shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law. Proof of permits issued to a vendor by another jurisdiction must be included with the application.

(i) No festival event beer permit shall be issued to any applicant that has been previously found to have violated any of the alcohol ordinances or laws of the City or the state or that is less than 21 years of age.

(j) Issuance of a festival event beer permit shall be subject to the same rules and regulations as issuance of any on- or off-premises consumption permit.

(k) Any violations of the hours of operation/distribution and/or the noise and sound restrictions found elsewhere in the Lebanon Municipal Code may result in immediate revocation of the festival event permit.

(l) Possession of open beer containers outside the designated service area shall be a violation of the prohibition on open containers pursuant to Title 11, § 1002.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998; Ord. No. 16-5190, § 1, 5-17-2016; Ord. No. 17-5544, 12-5-2017; Ord. No. 19-5805, §§ 2,3, 4-2-2019; Ord. No. 22-6453, 5-17-2022; Ord. No. 22-6494, 7-5-2022; Ord. No. 23-6769, 6-20-2023)

Sec. 8-212. Beer permit to be posted.

The beer permit shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted. No person shall engage in the manufacture or sale of beer within the City limits without obtaining a permit as herein provided.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-213. Premises subject to inspection.

The place of business and premises of the holder of any permit issued by the beer board shall be open to inspection and investigation by any police officer of the City at any time the place is open for business. Any refusal by the holder of a permit or by his agents, servants, or employees to permit any police officer to enter upon, inspect, and investigate any house, building, or room wherein business authorized by any permit issued by the beer board is conducted within the hours

that such house, building, room are open for business, shall be grounds for suspension or revocation of the holder's beer permit.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-214. Unlawful to engage in beer business without paying license fee and obtaining a permit.

It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this Code, for any person, partnership, corporation, association, incorporated club, or incorporated lodge to manufacture, possess, store, receive, sell, distribute, or transport any beer of an alcoholic content of not more than eight percent by weight, or any other beverage of like alcoholic content, within the corporate limits of the City without having first paid the license fee prescribed in this chapter and without first having obtained a permit issued by the beer board.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998; Ord. No. 17-5544, 12-5-2017)

Sec. 8-215. License and permit to be posted.

The privilege license issued by the commissioner of finance and revenue, showing the payment of the license fee, and the permit issued by the beer board shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted.

(Ord. No. 91-835, 3-5-1991; Ord. No. 98-1854, 10-7-1998)

Sec. 8-216. Brewers and wholesalers prohibited from having interest in retail business.

It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this Code, for any brewer or any wholesaler of any beer of an alcoholic content of not more than eight percent by weight, or of any other beverage of like alcoholic content, or the agent of any such brewer or wholesaler, to make any loan to, or furnish any fixtures of any kind to, or have any interest, direct or indirect, in the business of or in the premises occupied by any retailer holding a permit issued by the beer board.

(Ord. No. 91-835, 3-5-1991; Ord. No. 17-5544, 12-5-2017)

Sec. 8-217. Regulation of beer sales.

(1) No permittee or his agent or employee shall:

(a) Sell and/or serve or give to any minor in the place of business of such permittee, at any time, any beer of an alcoholic content of not more than eight percent by weight, or any other beverage of like alcoholic content.

(b) Sell or permit the selling of beer to any person who is in an intoxicated condition.

(c) Permit or allow any agent, servant, employee, or other person engaged in the operation or management of any business place so selling beer to drink any intoxicating beverages, liquor, wine, ale, or beer while so engaged.

(d) Deleted by Ordinance No. 17-5544 to allow sales on Christmas.

(2) Hours of sale.

On-premises consumption permittees shall not sell beer between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday nor between the hours of 2:00 a.m. and 10:00 a.m. on Sunday. No such beverage shall be consumed, or opened for consumption, on or about any premises licensed hereunder, in either bottle, glass, or other container, after 2:15 a.m.

Off-premises consumption permittees shall not sell beer between the hours of 2:00 a.m. and 6:00 a.m. Monday through Saturday and from 2:00 a.m. and 10:00 AM on Sunday.

(3) On-premises consumption permittees not to allow beer to be furnished to minors. It shall be unlawful for any such holder of an on-premises consumption permit, or any agent, servant, or employee of such holder to sell and/or serve, or to give to any person under 21 years of age or allow any patron or other person to furnish to any person under 21 years of age in the place of business of such holder, at any time, any beer of an alcoholic content of not more than eight percent by weight or any other beverage of like alcoholic content.

(4) Permittees not to employ minors or persons convicted of certain offenses. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this Code, for the holder of any kind of permit issued by the beer board to employ in the sale and distribution of any beer an alcoholic content of not more than eight percent by weight or any other beverage of like alcoholic content, any minor under the age of 18 years or any person who has been convicted of any violation of laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten years.

(5) Deleted by Ordinance 19-5805 for the purpose of allowing dual premises permits.

(6) Deleted by Ordinance 19-5805 for the purpose of allowing dual premises permits.

(7) Deleted by Ordinance 19-5805 for the purpose of allowing dual premises permits.

(8) Deleted by Ordinance No. 17-5422 in its entirety to allow sales on the square.

(Ord. No. 95-1401, § 1, 12-5-1995; Ord. No. 98-1854, 10-7-1998; Ord. 17-5422, §8, 4-4-2017; Ord. No. 17-5544, §§ 1, 2, 12-5-2017; Ord. No. 19-5805, §§ 3--7, 4-2-2019)

Sec. 8-218. Penalties.

(1) Any violation of this chapter shall:

(a) Be subject to prosecution in the City Court as a Class C misdemeanor.

(b) Be grounds for denial, suspension or revocation of an application or beer permit.

(c) Be subject to prosecution under appropriate state or federal jurisdiction if state or federal laws are violated.

(2) Separate offense. Each day a violation continues shall constitute a separate offense.

(3) Revocation/suspension. Based upon the nature and the severity of any violation or noncompliance with the provisions set forth herein, and other applicable statutes and law, the City Beer Board shall after a full and fair hearing:

(a) Deny applicant's request for a beer permit.

(b) Suspend a permittee's license for a specified period of time not to exceed 90 days.

(c) Revoke a permittee's license beer permit for a period not to exceed ten years.

(4) Appeal. Any such action by the beer board shall be final and appealable only as provided by state law.

No appeal from any action of the Beer Board shall lie to either the City Court or to the city council.

(Ord. No. 98-1854, 10-7-1998)

Sec. 8-219. Severability.

The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this chapter shall remain in full force and effect, it being the intent now declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included therein.

(Ord. No. 98-1854, 10-7-1998)