

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. INTOXICATING LIQUORS.
3. BEER.

**CHAPTER 1****MISCELLANEOUS****SECTION**

- 8-101. Establishments permitting persons in a state of nudity etc.  
8-102. Consumption of alcohol in municipal parks and playgrounds prohibited.

**8-101. Establishments permitting persons in a state of nudity etc.**

(1) Definitions. As used in this chapter, unless the context dictates otherwise:

(a) "Alcoholic beverage," as set forth in Tennessee Code Annotated, § 57-3-101(a)(1), means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, liquor, wine, or high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as the latter is defined in Tennessee Code Annotated, § 57-5-101(b) and in § 8-101(1)(b) below. Notwithstanding any provision to the contrary in this chapter, "alcoholic beverage" also includes any beverage or food product containing distilled alcohol capable of being consumed by a human being manufactured or made with distilled alcohol irrespective of alcoholic content, including any alcohol-infused beverage or food product and any ice cream or other frozen dessert containing alcohol, spirits, liquor, wine, high alcohol content beer or beer.

(b) "Beer," as set forth in Tennessee Code Annotated, § 57-5-101(b), means and includes all beer, ales, and other malt liquors having an alcoholic content of not more than eight percent (8%) by weight, other than wine as defined in Tennessee Code Annotated, § 57-3-101; provided, however, that no more than forty-nine (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

(c) "Owner or operator" as used in this section shall mean any property owner, lease holder, manager or supervisor of any establishment wherein the hereinafter prohibited activity is permitted.

(d) "High alcohol content beer," as set forth in Tennessee Code Annotated, § 57-3-101(a)(8), means an alcoholic beverage which is beer, ale or other malt beverage having an alcoholic content of more than eight percent (8%) by weight and not more than twenty percent (20%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101; provided, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(2) Sale of beer, wine or alcoholic beverages prohibited. It shall be prohibited for any owner or operator to permit the sale of beer, wine or alcoholic beverages in any establishment where the customers, employees, bartenders, waitresses, performers or any other person are directed or permitted to present themselves in a state of nudity as defined in § 9-302(14).

(3) Advertisement of exposure prohibited. It shall be unlawful for any owner or operator of any establishment to advertise or permit the advertisement by sign, billboard, media advertisement or other public notice that customers, employees, bartenders, waitresses, performers or other persons on said premises do or shall present themselves in a state of nudity as defined in § 9-302(14).

(4) Geographic location of establishment restricted. Any establishment wherein customers, employees, bartenders, waitresses, performers or any other person is permitted to present themselves in a state of nudity as defined in § 9-302(14) shall not be located within one thousand (1,000) yards of any establishment wherein the sale of beer, wine or alcoholic beverages are permitted to be sold, either wholesale or retail, nor within one thousand five hundred (1,500) yards of any school, church, playground or public park nor within one thousand (1,000) yards of the city hall or any other public building wherein the citizens of the city regularly travel or maintain access in the course of exercising their rights and duties of citizens of the City of Bartlett, Tennessee.

(5) Personal exposure prohibited. It shall be unlawful for any person to present himself in any establishment wherein beer, wine or alcoholic beverages are served or which advertises in violation of subsection (3) hereof or which is located in any prohibited geographic areas prescribed by subsection (4), in a state of nudity as defined in § 9-302(14).

(6) Penalties. Violation of any provision of this section shall subject the violator to a fine of not more than fifty dollars (\$50.00) for each offense, each instance of exposure by separate offenders constituting a separate offense. (Ord. #77-2, Feb. 1977, modified, as amended by Ord. #18-08, Dec. 2018 *Ch7\_12-08-20*, and Ord. #19-01, April 2019 *Ch7\_12-08-20*)

**8-102. Consumption of alcohol in municipal parks and playgrounds prohibited.** (1) It shall be a violation of this chapter for any

person to consume and/or possess alcoholic beverages, beer or wine in municipal parks and playgrounds.

(2) Penalty. Violation of this section shall be subject to the violator to a penalty not to exceed a fine of fifty dollars (\$50.00) for each violation. (Ord. #02-05, May 2002)

## CHAPTER 2

### INTOXICATING LIQUORS

#### SECTION

- 8-201. Alcoholic beverages subject to regulation.
- 8-202. Definitions.
- 8-203. Application for certificate.
- 8-204. Renewal of certificate.
- 8-205. Applicant to agree to comply with laws.
- 8-206. Applicant to appear before board of mayor and aldermen; duty to give information.
- 8-207. Action on application.
- 8-208. Display of license.
- 8-209. Duplicate license.
- 8-210. Residency requirement.
- 8-211. Applicants for certificate who have criminal record.
- 8-212. Only one establishment to be operated by retailer.
- 8-213. Location.
- 8-214. Retail stores to be on ground floor; entrances.
- 8-215. Number of licenses.
- 8-216. Zoning restrictions of alcoholic beverage retailers established.
- 8-217. On-premises consumption.
- 8-218. Sales to minors, etc.
- 8-219. Hours of sale.
- 8-220. Inspection of business establishments.
- 8-221. Inspection fee.
- 8-222. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-223. Violations.

**8-201. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57.

**8-202. Definitions.** "Alcoholic beverage" or "beverage," as used in this chapter, means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, liquor, wine, or high alcohol content beer and capable of being consumed by a human being, other than patent medicine and beer, as the latter is defined in Tennessee Code Annotated, § 57-5-101(b) and § 8-101(1)(b) above. Notwithstanding any provision to the contrary in this chapter, "alcoholic beverage" also includes any beverage or food product containing distilled alcohol capable of being consumed by a human being

manufactured or made with distilled alcohol irrespective of alcoholic content, including any alcohol-infused beverage or food product and any ice cream or other frozen dessert containing alcohol, spirits, liquor, wine, high alcohol content beer or beer. (Ord. #77-2, Feb. 1977, modified, as by Ord. #18-08, Dec. 2018, modified, and replaced by Ord. #18-08, Dec. 2018 *Ch7\_12-08-20*, and amended by Ord. #19-01, April 2019 *Ch7\_12-08-20*)

**8-203. Application for certificate.** Before any certificate of compliance, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any aldermen, an application in writing shall be filed with the finance director or his or her designee on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years residence in the city.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) 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.
- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
- (9) 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 if each partner, or by the president of the corporation.

Each application shall be accompanied by a non-refundable investigation fee of five hundred dollars (\$500.00).

**8-204. Renewal of certificate.** Certificates of compliance shall be issued for twelve (12) month periods commencing on the effectiveness date. The licensee shall renew the certificate and pay the fee set forth in § 8-203.

**8-205. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the State for sale of alcoholic beverages.

**8-206. Applicant to appear before board of mayor and aldermen; duty to give information.** An applicant for a certificate of compliance may be

required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board.

**8-207. Action on application.** Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review. If the application is approved, it shall be signed by the mayor.

**8-208. Display of license.** Persons granted licenses to carry on any of the businesses or undertakings contemplated by this chapter shall, before being qualified to do business, display and post and keep displayed and posted such license in a conspicuous place on the premises of such license. (Ord. #68-1, April 1968)

**8-209. Duplicate license.** When a license shall be lost or destroyed without fault of the licensee, a duplicate in lieu thereof shall be issued by the tax clerk of the city only after such clerk has been furnished with satisfactory evidence of such loss without fault of the licensee; provided, however, that upon the issuance of such duplicate license the licensee shall be required to pay a fee of ten dollars (\$10.00). (Ord. #68-1, April 1968, modified)

**8-210. Residency requirement.** The applicant for a certificate of compliance shall have been a bona fide resident of the City of Bartlett for not less than one (1) year at the time his application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of the City of Bartlett not less than one (1) year at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years.

**8-211. Applicants for certificate who have criminal record.** No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws.

**8-212. Only one establishment to be operated by retailer.** No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. This section

shall not apply to the sale of wine in a retail food store which is eligible for the issuance of a retail food store wine license by the alcoholic beverage commission of the state, pursuant to Tennessee Code Annotated, title 57, chapter 3, part 8 and which has been issued a certificate of compliance as set forth in Tennessee Code Annotated, § 57-3-806. (as amended by Ord. #18-08, Dec. 2018 *Ch7\_12-08-20*)

**8-213. Location.** (1) Retailers. No person, firm or corporation shall locate an establishment for the warehousing, sale or manufacture of alcoholic beverages of alcohol content greater than five percent (5%) for off premise consumption closer than five hundred (500) feet to a church, school or other place of public gathering, said distance to be measured along a direct line from the closest point on the building of the alcoholic beverage licensee to the closest point on the building of the church, school or other place of public gathering; provided, however, in that instance where the place of public gathering is a park or recreational facility the distance shall be measured from the property line of that place of public gathering.

(2) Licensee in proximity to residences prohibited. No person, firm or corporation shall locate an establishment for the warehousing, sale or manufacture of alcoholic beverages of alcoholic content greater than five percent (5%) for off premise consumption upon premises closer than five hundred (500) feet to any zoning district for limited residential purposes to include zones RS, RS-1, RS-1A, RTH and R-2 as designated on the official zoning ordinance<sup>1</sup> and map<sup>2</sup> of the City of Bartlett. (Ord. #77-2, Feb. 1977, as amended by Ord. #80-28, Nov. 1980, modified)

**8-214. Retail stores to be on ground floor; entrances.** No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

**8-215. Number of licenses.** The number of retail licenses issued and outstanding in the city at any time shall be restricted to three (3). The number of liquor stores in the City of Bartlett is limited to three (3). (Ord. #72-6, Jan. 1973, as amended by Ord. #93-18, \_\_\_)

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<sup>1</sup>The zoning ordinance is included in this municipal code as Appendix A.

<sup>2</sup>The Zoning Map is available in the office of the city clerk.

**8-216. Zoning restriction of alcoholic beverage retailers established.** No person, firm or corporation shall locate an establishment for the retail warehousing, sale or manufacture of alcoholic beverages of alcohol content greater than eight percent (8%) for off premise consumption in any zone except those designated O-C, C-H, SC-1, C-L, and C-G upon the official zoning map<sup>2</sup> and ordinance<sup>1</sup> of the City of Bartlett, or any country club or lodge with a special permit. (Ord. #80-28, Nov. 1980, modified, as amended by Ord. #18-08, Dec. 2018 *Ch7\_12-08-20*)

**8-217. On-premises consumption.** Any country club or lodge with special use permit. (Ord. #68-1, April 1968, modified)

**8-218. Sales to minors, etc.** It shall be unlawful for any licensee to sell, furnish or give away any beverages to any person visibly intoxicated, or to any insane person, or to any minor, or to any habitual drunkard or persons of known intemperate habits. (Ord. #68-1, April 1968)

**8-219. Hours of sale.** (1) Any retailer that is permitted by the state to sell liquor or wine for on-premise consumption shall also be allowed to sell beer during the hours set forth in Tennessee Code Annotated § 57-4-203, provided that the establishment has lawfully obtained a beer permit as required by this chapter;

(2) For beer permit holders, the hours within which the sale of beer shall be permitted shall be from 8:00 A.M. TO 3:00 A.M. Monday through Saturday, and from 10:00 A.M. Sunday until 3:00 A.M. on Monday. No beer or other alcoholic beverage shall be consumed or open for consumption on or about any premises licensed by this chapter for on-premise consumption in any glass, bottle, can, or other container after 3:15 A.M.

(3) Retail package liquor stores may remain open between 8:00 A.M. and 11:00 P.M. Monday through Saturday, and between 10:00 A.M. and 11:00 P.M. on Sundays. The sale of alcoholic beverages by retail package liquor stores is prohibited on Christmas, Thanksgiving and Easter.

(4) Retail food stores may sell, give away, or otherwise dispense wine between 8:00 A.M. and 11:00 P.M. Monday through Saturday; and, effective January 1, 2019, retail food stores may sell, give away, or otherwise dispense wine on Sundays from 10:00 A.M. until 11:00 P.M. The sale of alcoholic beverages by retail food stores is prohibited on Christmas, Thanksgiving and Easter. (Ord. #68-1, April 1968, as replaced by Ord. #18-08, Dec. 2018 *Ch7\_12-08-20*)

**8-220. Inspection of business establishments.** The duly authorized representatives of the city shall have the right to inspect the premises of any business licensed under this chapter during the hours when such establishments are open for the conduct of business. (Ord. #68-1, April 1968)



**8-221. Inspection fee.** The City of Bartlett hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (Ord. #07-06, May 2007)

**8-222. Radios, amusement devices and seating facilities prohibited in retail establishments.** No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (Ord. #07-06, May 2007)

**8-223. Violations.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (Ord. #07-06, May 2007)

## CHAPTER 3

### BEER<sup>1</sup>

#### SECTION

- 8-301. Beer board established.
- 8-302. Meetings of the beer board.
- 8-303. Record of beer board proceedings to be kept.
- 8-304. Requirements for beer board quorum and action.
- 8-305. Powers and duties of the beer board.
- 8-306. "Beer" defined.
- 8-307. Permit required for engaging in beer business.
- 8-308. Beer permits shall be restrictive.
- 8-309. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-310. Prohibited conduct or activities by beer permit holders.
- 8-311. Suspension, revocation and civil penalty.
- 8-312. Beer permit and application fee required.
- 8-313. Interference with public health, safety, and morals prohibited--  
on-premises permit distance.
- 8-314. Interference with public health, safety, and morals prohibited--  
off-premises permit--distance
- 8-315. Method of measuring location distance prohibitions.

**8-301. Beer board established.** There is hereby established a beer board to be composed of five (5) members who are citizens of the City of Bartlett. The members shall be appointed by the mayor and approved by the board of mayor and aldermen. Members shall serve two (2) year terms and may be re-appointed. To achieve staggered terms; the initial appointments shall be:

- (1) Two (2) members for one (1) year; and
- (2) Three (3) members for two (2) years

All members shall serve at the will and pleasure of the mayor and may be removed with or without cause or notice. The beer board shall, from its members, elect a chairman who shall preside at its meetings. Its members shall serve without compensation. (Ord. #74-5, March 1974, Ord. #01-16, Sept. 2001, and Ord. #01-19, Dec. 2001, as replaced by Ord. #15-01, Feb. 2015)

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<sup>1</sup>Municipal code reference

Wholesale beer tax: title 5, chapter 4.

State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

**8-302. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall 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 reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #74-5, March 1974)

**8-303. Record of beer board proceedings to be kept.** The city clerk shall be required to attend and make a separate record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following:

- (1) The date of each meeting;
- (2) The names of the board members present and absent;
- (3) The names of the members introducing and seconding motions and resolutions;
- (4) A copy of each such motion or resolution presented;
- (5) A vote of each member thereon; and
- (6) The provisions of each permit issued by the board. (Ord. #74-5, March 1974)

**8-304. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business; however, when a quorum is present the affirmative vote of only a simple majority of the members voting shall be required for affirmative action by the board. (Ord. #74-5, March 1974)

**8-305. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distribution for sale, and manufacturing of beer and any alcohol-containing beverage or food product or alcohol-infused beverage or food product not regulated by the Tennessee Alcoholic Beverage Commission within the City of Bartlett in accordance with the provisions of this chapter, and it shall have the power to promulgate reasonable rules and regulations for the conduct of its business and the enforcement of this chapter. (Ord. #74-5, March 1974, as replaced by Ord. #19-01, April 2019 *Ch7\_12-08-20*)

**8-306. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than eight percent (8%) by weight. (Ord. #74-5, March 1974, as amended by Ord. #18-08, Dec. 2019 *Ch7\_12-08-20*)

**8-307. Permit required for engaging in beer business.** (1) It shall be unlawful for any person to sell, store, distribute, or manufacture beer without having first exhibited a receipt for the taxes provided for in the state's "Business

Tax Act"<sup>1</sup> and without first making application to and obtaining a permit from the beer board. The permit shall be applied for upon a form as prescribed by the beer board.

(2) Upon application being filed, the finance director or his designee shall cause same to be published in the official newspaper of the city at least one (1) week prior to its consideration by the beer board, the costs of publication to be paid by the applicant. If the application is for a place of business where beer has not been sold in the last twelve (12) months, all property owners within one thousand (1,000) feet of the proposed location shall be notified by United States mail at least one (1) week before consideration by the beer board, giving the name of the applicant, type of permit requested and the time and date of the hearing. (Ord. #74-5, March 1974, modified)

**8-308. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for a beer permit holder to fail to comply with any and all of the express restrictions or conditions which may be written into his permit by the beer board. No beer permit shall be subject to transfer or assignment. No beer permit shall be issued to a spouse, child, relative, employee, or other person having any interest in the business of a licensee whose beer permit has been revoked in the past twelve (12) months. (Ord. #74-5, March 1974)

**8-309. Issuance of permits to persons convicted of certain crimes prohibited. Inspections, investigations and background checks. On-premise server permits required.** (1) No person or business entity having at least a five percent (5%) ownership interest in the applicant, and if a business entity owns at least a five percent (5%) ownership interest in the applicant, no owner of at least a five percent (5%) ownership interest in such business entity, nor any person to be employed in the distribution, sale, or manufacture or sale of beer shall have been convicted within the past ten (10) years of any crime, whether felony or misdemeanor, involving misuse or abuse of alcohol or illegal use of drugs, including but not limited to, driving under the influence, public intoxication, as defined in Tennessee Code Annotated, § 39-17-310, disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery,

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 67, chapter 4.

sale or possession with intent to manufacture, deliver or sell any controlled substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 4, schedules I through V, and/or any crime involving moral turpitude. Any such conviction shall likewise be grounds for revocation of any permit issued under this chapter.

(2) The beer board or its designee has the full power and authority to enter, inspect and investigate any business operated pursuant to any beer permits issued by it and has full authority to call upon any members of the police and health departments for assistance in the enforcement of the state laws, city ordinances, and the rules and regulations of the beer board pertaining to the sale of beer.

(3) No entity holding an on-premise beer permit shall employ any person in serving of beer who does not possess a server permit from the Bartlett Police Department or, in the case of a permit holder who also holds a license issued by the Tennessee Alcoholic Beverage Commission, a server permit from said commission. It is the duty of the on-premise beer permit holder to require that each person dispensing or serving beer in the permit holder's establishment possesses such a permit, which permit must be on the person of such employee or on the premises of the licensed establishment and subject to inspection by the beer board or its designee or by the police department when the employee is engaged in the performance of that employee's duties for the permit holder. (Ord. #74-5, March 1974, as amended by Ord. #13-04, May 2013)

**8-310. Prohibited conduct or activities by beer permit holders.**

It shall be unlawful for any beer permit holder to:

(1) Employ any person to be employed in the distribution, sale, or manufacture or sale of beer who shall have been convicted within the past ten (10) years of any crime, whether felony or misdemeanor, involving misuse or abuse of alcohol or illegal use of drugs, including but not limited to, driving under the influence, public intoxication, as defined in Tennessee Code Annotated, § 39-17-310, disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 4, schedules I through V, and/or any crime involving moral turpitude.

(2) Sell, serve, give away or otherwise allow the consumption of beer between the hours of 3:00 A.M. and 8:00 A.M. on Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

(3) Allow any unusually loud, or obnoxious noises to emanate from his premises.

(4) Allow any minor under twenty-one (21) years of age, unaccompanied by a parent or adult guardian, to loiter in or about his place of business. The term "loiter" within the meaning of this section, shall mean to

remain in or on the business premises for no apparent reason related to the primary purpose of the business establishment. However, nothing in this section shall prohibit persons under the age of twenty-one (21) from dining in establishments which have a beer permit, but whose primary purpose is the sale of food, whether or not said minor is accompanied by a parent or adult guardian. Similarly, nothing in this section shall prohibit persons between the ages of eighteen (18) and twenty-one (21) years of age from attending receptions or meetings in establishments which have a beer permit, but whose primary purpose is not the sale of alcoholic beverages, whether or not said persons are accompanied by a parent or adult guardian; nor shall it prevent minors under the age of eighteen (18) from attending receptions or meetings in establishments which have a beer permit, but whose primary purpose is not the sale of alcoholic beverages, if said minor is accompanied by a parent or adult guardian. But all establishments which have a beer permit shall ensure that no container of alcoholic beverages, open or closed, is provided by customers, patrons or any other persons, to persons under the age of twenty-one (21); shall promptly remove empty and partially empty containers of alcoholic beverages from the tables where persons under the age of twenty-one (21) are seated; and shall store all alcoholic beverages behind the bar or other proper storage place not ordinarily accessible to customers.

(5) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight unless the establishment holds a valid, alcoholic beverage license issued by the Tennessee Alcoholic Beverage Commission.

(6) Allow dancing on his premises by employees or agents of the business.

(7) Allow consumption of beer in an establishment restricted to off-premises consumption.

(8) Sell beer or any alcohol-infused beverage or food product, ice cream or other frozen dessert containing alcohol, spirits, liquor, wine, high alcohol content beer or beer through any drive-through or delivery window or by curb service or to deliver beer or any alcohol infused beverage or food product, ice cream or other frozen dessert containing alcohol, spirits, liquor, wine, high alcohol content beer or beer to the consumer.

(9) Serve, sell, or allow the consumption on his premises of any alcohol-infused beverage or food product, ice cream or other frozen dessert containing alcohol, spirits, liquor, wine, high alcohol content beer or beer unless the following statements are prominently displayed on the printed menu (or, if no printed menus are used, on the menu board or sign setting forth the bill of fare) immediately adjacent to the listing of the item or items of alcohol-infused beverage or food product, ice cream or other frozen desserts containing alcohol, spirits, liquor, wine, high alcohol content beer or beer:

(a) The sale of alcohol-infused beverage or food products, ice cream or other frozen desserts under the age of twenty-one (21) is prohibited.

(b) (Insert the name of the alcohol-infused beverage or food product, ice cream or frozen dessert) contain alcohol.

(c) Notice: (Insert the name of the alcohol-infused beverage or food product, ice cream or frozen dessert) contains alcohol used as a flavoring and, as with any product that contains alcohol:

(i) Women should not consume alcohol during pregnancy because of the risk of birth defects; and

(ii) Consumption of alcohol impairs your ability to drive a car or operate machinery, and may cause health problems.

(10) Serve, sell or allow the consumption on his premises of any alcohol-infused beverage or food product, ice cream or other frozen desserts containing alcohol, spirits, liquor, wine, high alcohol content beer or beer by a person under the age of twenty-one (21). (Ord. #74-5, March 1974, as amended by Ord. #91-16, Oct. 1991, modified, and amended by Ord. #13-04, May 2013, Ord. #18-08, Dec. 2018 *Ch7\_12-08-20*, and Ord. #19-01, April 2019 *Ch7\_12-08-20*)

**8-311. Suspension, revocation and civil penalty.** (1) The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this subchapter when the holder thereof is guilty of making a false statement or misrepresentation in the application or of violation any of the provisions of this subchapter. However, no beer permit shall be revoked or suspended until a hearing is held by the beer board after reasonable notice to the permit holder. Revocation or suspension proceedings may be initiated by the police chief or any member of the beer board.

(a) Definition. "Responsible vendor" means a person or business entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, *et seq.*

(b) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that it has made a final determination that the vendor

has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

(2) The City of Bartlett Beer Board may, but is not obligated to, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

(a) The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

(b) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not paid within that time, the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocations or suspension shall be deemed withdrawn though it will continue on the holder's record for purposes of determining multiple offenses. The holder's payment of a civil penalty shall not affect the holder's ability to seek review of the civil penalty pursuant to Tennessee Code Annotated, § 57-5-108(d).

(c) If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board or its designee shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of the determination of such violation. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

(d) If the beer board determines that any employee of an on-premise beer permit holder that does not participate in the responsible vendor program has sold beer to a minor, the beer board or its designee shall report the name of the server to the Bartlett Police Department within fifteen (15) days of the determination of such violation. The server permit of said employee shall be invalid and the employee may not apply for another server permit for a period of two (2) years from the date of the beer board's determination. (Ord. #03-04, April 2003, as amended by Ord. #13-04, May 2013)

**8-312. Beer permit and application fee required.** Upon filing of an application for a beer permit the applicant shall pay to the tax clerk of the City of Bartlett an application fee of two hundred fifty dollars (\$250.00) plus an additional sum equivalent to the publication cost of required newspaper publication, said fees to be non-refundable. (Ord. #83-26, Oct. 1983, as amended by Ord. #93-18, Sept. 1993)



**8-313. Interference with public health, safety, and morals prohibited--on-premises permit distance. Free standing buildings.** Multi-tenant buildings or shopping centers. No permit authorizing the sales of beer for on-premises consumption will be issued when such business would cause congestion or traffic or would interfere with schools or churches, or would otherwise interfere with the public health, safety and morals of the citizens of the City of Bartlett. In no event will a beer permit be issued authorizing the storage for sale or sale of beer for on-premise consumption at places within one hundred fifty feet (150') of any free standing school or church. In the event that a school or church is located in a multi-tenant building or shopping center, no beer permit will be issued authorizing the storage or sale of beer for on-premises consumption at any place which is immediately adjacent to a school or church in such multi-tenant building or shopping center. (Ord. #80-24, Aug. 1980, as amended by Ord. #83-26, Oct. 1983, Ord. #01-13, Aug. 2001, and Ord. #13-04, May 2013)

**8-314. Interference with public health, safety, and morals prohibited--off-premises permit--distance. Free standing buildings.** Multi-tenant buildings or shopping centers. No permit authorizing the sale of beer for off-premises consumption will be issued when such business would cause congestion or traffic or would interfere with schools or churches, or would otherwise interfere with the public health, safety and morals of the citizens of the City of Bartlett. In no event will a beer permit be issued authorizing the manufacture, storage or sale of beer for off-premises consumption at places within one hundred fifty feet (150') of any free standing school or church. In the event that a school or church is located in a multi-tenant building or shopping center, no beer permit will be issued authorizing the storage or sale of beer for off-premise consumption at any place which is immediately adjacent to a school or church in such multi-tenant building or shopping center. (Ord. #80-24, Aug. 1980, as amended by Ord. #83-26, Oct. 1983, Ord. #01-13, Aug. 2001, and Ord. #13-04, May 2013)

**8-315. Method of measuring location distance prohibitions.** Whenever in this chapter a distance is specified within which beer for on-premises or off-premises consumption is prohibited that distance shall be measured in a straight line from the nearest point on the free-standing building of the school or church, to the nearest point on the free-standing building of the permit applicant. In the event that a school, church or permit applicant lease space in a multi-tenant building or shopping center, the distance shall be measured in a straight line from the nearest point on the space leased or occupied by such school or church to the nearest point on the space leased or occupied by the permit applicant in a multi-tenant building or shopping center, in which beer is to be sold, distributed or manufactured. (Ord. #80-24, Aug. 1980, as amended by Ord. #83-26, Oct. 1983, #Ord. #01-13, Aug. 2001, and Ord. #13-04, May 2013)

