

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

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8-101. Subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, or distributing, or to purchase or possess alcoholic beverages within the corporate limits of this municipality except as provided by Tennessee Code Annotated, title 57, and by rules and regulations promulgated thereunder, and as provided in this chapter. (1968 Code, § 2-101, as replaced by Ord. #4096, Dec. 2016)

8-102. Terms defined. Whenever used herein unless the context requires otherwise:

¹Municipal code references

Drinking beer, etc., on streets, etc.: § 11-101.

Minors in beer places: § 11-102.

Privilege tax for consumption on the premises: title 5, chapter 7.

State law reference

Tennessee Code Annotated, title 57.

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as defined in Tennessee Code Annotated, § 57-5-101(b), as the same may be amended, supplemented or replaced.

(2) "Certificate" or "certificate of compliance" means the certificate required pursuant to Tennessee Code Annotated, §§ 57-3-208, 57-3-213, and 57-3-806, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this article for issuance of such a certificate.

(3) "License" means a license issued by the alcoholic beverage commission of the state pursuant to Tennessee Code Annotated, §§ 57-3-204 or 57-3-803, as the same may be amended, supplemented or replaced, provided that the issuance of licenses shall be subject to the restrictions set forth in this article.

(4) "Licensee" means any person to whom a license has been issued.

(5) "High alcohol content beer" means an alcoholic beverage which is beer, ale or other malt beverage as further defined in Tennessee Code Annotated, § 57-3-101, that is brewed, regulated, distributed or sold pursuant to Tennessee Code Annotated, title 57, chapter 3.

(7) "Manufacture" means and includes brewing high alcohol content beer, distilling, rectifying and operating a winery.

(8) "Manufacturer" means and includes a brewer of high alcohol content beer, distiller, vintner and rectifier;

(9) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

(10) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.

(11) "Retail food store" means an establishment 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.

(12) "Retail liquor store" means any business which is required to have a license for the retail sale of alcoholic spirituous beverages, including beer and malt beverages, under the provisions of Tennessee Code Annotated, tile 57, chapter 3, part 2.

(13) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(14) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, §§ 57-3-101--57-3-110.

(15) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, as further defined by Tennessee Code Annotated, §§ 57-3-101 and 57-3-802, as the same may be amended,

supplemented or replaced. (1968 Code, § 2-102, as replaced by Ord. #4096, Dec. 2016)

8-103. Certificate of compliance required prior to issuance of license. As a condition precedent to the issuance of a license by the state alcoholic beverage commission, an applicant for a license shall first obtain a certificate of compliance from the city, as provided below:

(1) Any person intending to apply for a state license for a retail liquor store shall first apply for a certificate of compliance from the city, pursuant to Tennessee Code Annotated, § 57-3-803. The application for a certificate shall be in writing on a form furnished by the city recorder. The application shall identify the name and address of the owner of the property for which the certificate is sought, and shall be accompanied by evidence that the owner has agreed to allow the proposed retail store to be operated on the property upon issuance of a license. Applications will be considered in the chronological order in which they are received, and no consideration will be given to the fact that other applications have subsequently been received. The certificate shall be granted or denied by the city council within sixty (60) days after the application for the certificate is submitted to the city recorder and, if granted, shall be signed by the mayor or a majority of the city council. A certificate of compliance for a retail liquor store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six months of the date of the certificate, or if the retail liquor store for which a certificate was granted is not in operation within twelve (12) months following the issuance of the certificate; provided, however, that the city council may, upon written request of the applicant, extend the expiration date of a certificate for up to three (3) additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this article are met at the time the new application is received. The mayor shall be authorized to issue a certificate of compliance required in connection with the renewal of an existing license pursuant to Tennessee Code Annotated, § 57-3-213 without deliberation by the full city council. If the mayor fails or refuses to issue a certificate required in connection with a license renewal, members of the city council may sign the certificate and the certificate shall be issued when a majority of the members of the city council have signed it.

(2) Any person intending to apply for a state license for the sale of wine at a retail food store shall first apply for a certificate of compliance from the city, pursuant to Tennessee Code Annotated, § 57-3-208. The application for a certificate shall be in writing on a form furnished by the city recorder. Upon verification that the applicant meets the requirements of Tennessee Code Annotated, § 57-3-208(b), the mayor may issue the certificate without action by

the city council. Alternatively, members of the city council may sign the certificate and the certificate shall be issued when a majority of the members of the city council have signed it. The certificate shall be granted or denied within 60 days after the application for the certificate is submitted to the city recorder. A certificate of compliance for the sale of wine at a retail food store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six (6) months of the date of the certificate, or if the retail food store for which a certificate was granted is not in operation within twelve (12) months following the issuance of the certificate; provided, however, that the mayor or a majority of the city council may, upon written request of the applicant, extend the expiration date of a certificate for up to three additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this article are met at the time the new application is received. (1968 Code, § 2-103, as deleted by Ord. #3988, June 2014, and added by Ord. #4096, Dec. 2016)

8-104. Location restrictions on retailers. No certificate of compliance shall be issued for the operation of a retail store for the sale of alcoholic beverages when, in the opinion of the city council, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be in too close proximity of a church, school, or public institution, or otherwise inimical to the public interest. A certificate issued under this chapter shall not be valid except at the premises recited in the application, and any change of location of said business shall be cause for immediate revocation of said certificate by the city manager, unless the new location is approved in writing by the city manager. (1968 Code, § 2-104, as deleted by Ord. #3988, June 2014, and added by Ord. #4096, Dec, 2016)

8-105. Limitation on number of retailers. No more than one (1) retail license for the sale of alcoholic beverages for every four thousand (4,000) residents according to the census applicable at the time in question shall be issued under this chapter. (Ord. #3459, May 2002, as replaced by Ord. #4096, Dec. 2016)

8-106. Full and accurate disclosure required. (1) Each application for a certificate required pursuant to § 8-103 herein shall identify each person who is to be in actual charge of the business and, if a corporation, each executive officer and each individual in control of the business. For the purposes of this section, an individual who owns at least fifty percent (50%) of the stock of a business is considered to be in control of the business.

(2) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a certificate, shall be a violation of this article. The city may refuse to issue a certificate if, upon investigation, the city finds that the applicant for a certificate has concealed or misrepresented in writing or otherwise any material fact or circumstance concerning the operation of the business, or if the interest of any person in the operation of the business is not truly stated in the application, or in case of any fraud or false statements by the applicant pertaining to any matter relating to the operation of the business. All data, written statements, affidavits, evidence or other documents submitted in support of an application are a part of the application.

(3) If the provisions of this section are alleged to have been violated, the city may revoke any certificate which has been issued, after first providing an opportunity for the applicant or licensee to refute such allegations and/or to show cause why the certificate should not be revoked. Revocation of a certificate for a retail liquor store shall require a majority vote of the city council. The mayor may revoke a certificate for the sale of wine at a retail food store, provided that the applicant or licensee may appeal the revocation to the city council, which may reverse the mayor's action by majority vote. (1968 Code, § 2-106, as replaced by Ord. #4096, Dec. 2016)

8-107. Inspection fee. (1) There is hereby imposed an inspection fee upon all licensed retailers of alcoholic beverages and all retail food store wine licensees located within the city, pursuant to Tennessee Code Annotated, § 57-3-501.

(2) Except as provided in subsection (3) of this section, the inspection fee shall be five percent (5%) of the wholesale price of alcoholic beverages supplied by a wholesaler.

(3) If, pursuant to Tennessee Code Annotated, § 57-3-204(e)(7), a manufacturer of high alcohol content beer, obtains a retail license to sell its products which are manufactured on the manufacturer's premises, the inspection fee shall be fifteen percent (15%) to inspect the retail store in which such products are sold by the manufacturer. Such inspection fee shall be imposed on the wholesale price of the high alcohol content beer supplied pursuant to Tennessee Code Annotated, § 57-3-204(e)(7)(B) by a wholesaler for those products manufactured and sold by the manufacturer at its retail store as authorized pursuant to Tennessee Code Annotated, § 57-3-204(e)(7).

(4) Each wholesaler and manufacturer shall collect and remit the inspection fee to the city at such times and in such manner as the city manager shall designate accompanied by whatever forms and information he may prescribe. The wholesalers and manufacturers shall be allowed a fee of five percent (5%) of all sums so collected as compensation for services in collecting and remitting said fee. (1968 Code, § 2-107, as replaced by Ord. #4010, April 2015, and Ord. #4096, Dec. 2016)

8-108. Failure to pay inspection fee. Failure to collect or timely report and/or pay the inspection fee collected shall result in a penalty of ten percent (10%) of the fee due the municipality which shall be payable to the municipality imposing the inspection fee. Whenever any person hereunder fails to account for or pay over to the city recorder any inspection fee, the city manager shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such inspection fee. (1968 Code, § 2-108, as replaced by Ord. #4096, Dec. 2016)

8-109. City manager may examine books, papers, etc., of dealers. The city manager is authorized to examine the books, papers, and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license. (1968 Code, § 2-109, as replaced by Ord. #4096, Dec. 2106)

8-110. Chapter not applicable to beer. No provision of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation, etc., or tax upon beer or other liquids with an alcoholic content of five percent (5%) or less, more specifically chapter 2 in this title. (1968 Code, § 2-110, as replaced by Ord. #4096, Dec. 2016)

8-111. Regulation of retailers. (1) No retailer shall sell, lend, give away or otherwise dispense any alcoholic beverages except during the hours as set by the State of Tennessee, which at the time of enactment of this section are between the hours of eight o'clock A.M. (8:00 A.M.) and eleven o'clock P.M. (11:00 P.M.) on Monday through Saturday and between ten o'clock A.M. (10:00 A.M.) and eleven o'clock P.M. (11:00 P.M.) on Sunday.

(2) No retailer shall sell, lend, or give away any alcoholic beverages on Christmas, Thanksgiving or Easter. (as deleted by Ord. #4096, Dec. 2016, and added by Ord. #4201, Aug. 2018 *Ch8_3-12-20*)

8-112.--8-123. Deleted. (1968 Code, § 2-123, as deleted by Ord. #4096, Dec. 2016)

CHAPTER 2**BEER¹****SECTION**

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¹State 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).

- 8-226. Notice requesting information.
- 8-227. Penalties for violations.
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- 8-230. Application fee for sale of beer.

8-201. Purpose of chapter. This chapter is adopted to regulate the sale of beer or other beverages of like content as herein defined within the corporate limits of the City of Columbia. (Ord. #1969, Dec. 1993)

8-202. Beer business subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as provided by the laws of the State of Tennessee or any other beverages of like alcoholic content, within the corporate limits of the City of Columbia, subject to all of the regulations limitations and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (Ord. #1969, Dec. 1993)

8-203. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, other malt beverages, or any other beverages having an alcoholic content of not more than the specified percentage set by the State of Tennessee, which at the time of enactment of this section is not more than eight percent (8%) by weight, with the exception of wine as defined in Tennessee Code Annotated, § 57-3-101. (Ord. #1969, Dec. 1993, as replaced by Ord. #4202, Aug. 2018 *Ch8_3-12-20*)

8-204. Beer board established; compensation of members. There is hereby established a beer board to be composed of five (5) residents of the City of Columbia, over the age of twenty-one (21) years, who shall be appointed by the mayor and approved by the city council. The members of said board shall hold office for three (3) years or until their successors are appointed and qualified. With the adoption of the modified term, initially said members shall hold office for the first term as follows: one (1) member for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Each member of the board shall receive as compensation the sum of twenty-five dollars (\$25.00) for attendance at each meeting of the board. (Ord. #1969, Dec. 1993, as amended by Ord. #1987, March 1994, and replaced by Ord. #3679, May 2007, and Ord. #3887, June 2011)

8-205. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings on the second Wednesday of the month or as set by the beer board. A special meeting of the

beer board may be called by its chairman provided he gives reasonable notice thereof to each board member, and the board may adjourn a meeting at any time to another time and place. (Ord. #1969, Dec. 1993)

8-206. Record of beer board proceedings to be kept. The City Manager of the City of Columbia shall furnish a secretary who shall attend all meetings of the beer board. This secretary shall make a record of the proceedings of the beer board which shall be a public record and shall contain the dates of the meetings; the names of the board members present and absent; in cases of hearings before the beer board, a record of evidence introduced and testimony heard before the board; the provision of each permit issued by the board as to whether it is a permit for sale for off premises consumption or for sale for on premises consumption. The secretary shall also maintain a current list of the names and addresses of all holders of beer permits. (Ord. #1969, Dec. 1993)

8-207. 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. The beer board will consider all written and oral evidence presented in deciding whether or not to issue a permit. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #1969, Dec. 1993)

8-208. 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, distributing for sale and manufacturing of beer within this municipality in accordance with the provisions of this chapter, subject to the provisions of state law.

The beer board is hereby given broad powers of investigation, and it shall have the authority to inspect the premises of any applicant and at all reasonable hours may investigate the premises of all permit holders. (Ord. #1969, Dec. 1993)

8-209. Permit required for engaging in the beer business; term of permit; annual inspections of premises. No person shall engage in the storing, selling, distributing or manufacturing of beer or other beverages of like alcoholic content within the corporate limits of the City of Columbia until he shall receive a permit to do so from the beer board of the City of Columbia. The permit shall at all times be subject to all of the limitations and restrictions herein provided. Also, the applicant shall certify that he or she has read and is familiar with the provisions of this chapter and applicable state law.

Permits so issued shall continue in effect so long as the owner and operator of the premises remains the same and the establishment continues to do business; the location of the premises remains the same; the business continues to be operated under the name identified in the permit application; and all inspections required under this chapter are passed and the annual privilege tax is paid. For the purposes of this chapter, if the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner. A permit holder must return the beer permit to the beer board of the City of Columbia within fifteen (15) days of termination of business, change in ownership, relocation of the business or change of the business name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business name. The premises shall be inspected annually by all authorities that inspect for the initial issuance of the permit and the failure to comply with all the terms of such inspections may result in the revocation of the permit; provided, however, nothing contained herein shall be construed to require the periodic renewal of beer permits. (Ord. #1969, Dec. 1993)

8-210. Restrictions on granting permits. No permit shall be issued to sell any beverage coming within the provisions of this chapter:

(1) In violation of any provisions of the state law or of this chapter or any amendment thereto.

(2) In violation of the Zoning Ordinance of the City of Columbia.

The judgement of the beer board on such matters shall be final, except as same is subject to review under Tennessee Code Annotated. (Ord. #1969, Dec. 1993)

8-211. Application forms; effect of false statements or misrepresentations therein. No permit shall be issued except upon an application in writing submitted to the beer board. The application shall be on proper forms furnished by the city recorder. Any misrepresentation or false statement contained in the application upon which a permit is used shall subject said permit to immediate revocation upon a hearing after notice as provided below, issued upon a proper complaint charging that there has been a misrepresentation or false statement in said application. At such hearing the burden of proof shall be upon the holder of the permit to establish the truth of each statement and representation made in his or her application. Any applicant making a false statement in the application shall forfeit the permit and shall not be eligible to receive any permit for a period of ten (10) years. (Ord. #1969, Dec. 1993, as replaced by Ord. #3679, May 2007)

8-212. Application requirements. (1) Each application must explicitly and affirmatively state:

- (a) The name of the applicant;
- (b) The name of the applicant's business;
- (c) The location of the business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this chapter;
- (d) If beer will be sold at two (2) or more restaurants or other businesses in the same building, pursuant to the same permit, a description of all such businesses;
- (e) The names of persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a five percent (5%) ownership interest in the applicant;
- (f) The identity and address of a representative to receive annual tax notices and any other communication from the city;
- (g) That no person, firm, corporation, joint-stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant nor any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture 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, or any crime involving moral turpitude within the past ten (10) years.
- (h) Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption. If a holder of a beer permit for either on-premises consumption or for off-premises consumption desires to change the method of sale, such permit holder shall apply to the beer board for a new permit;
- (i) That the applicant will not engage in the sale of beer except at the place or places for which the beer board has issued a permit;
- (j) That no sale of beer will be made except in accordance with the permit granted;
- (k) That no sale will be made to persons under twenty-one (21) years of age, and that the applicant will not allow disorderly persons to loiter around the place of business;
- (l) That the applicant will be responsible for any gambling on the premises and the permit will be subject to revocation by reason of the same. That the applicant will not allow nor has allowed the place of business to become a public nuisance or a nuisance to law enforcing agencies of the City of Columbia, nor that it has or will create a nuisance;
- (m) That the applicant has secured a certificate or statement from the chief of police or other designated official that the premises

which the application covers meets the requirements of this chapter and applicable state law. Such certificate or statement must be attached to the original application; and

(n) That the applicant has not had his or her permit revoked within one (1) year.

(2) No application shall be acted upon by the beer board unless:

(a) The application along with the nonrefundable application fee of two hundred fifty dollars (\$250.00) is submitted to the city recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered unless said period is waived by the beer board. (Ord. #1969, Dec. 1993, as amended by Ord. #3679, May 2007, and Ord. #3833, March 2010)

8-213. Beer permits to be restrictive; special event permits.

(1) All beer permits shall be restrictive as to the type of beer business authorized under them. 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 or her permit and application therefor.

(2) A special occasion beer permit may be issued by the beer board and is a permit which may be issued to a bona fide charitable, nonprofit or political organization. Such permit shall be issued for no longer than one (1) twenty-four hour period, subject to the hours of sale which may be imposed by law or regulation, and such permit may be issued in advance of its effective date. Such permit shall not be issued unless and until there shall have been paid to the City of Columbia for each such permit a permit fee of one hundred fifty dollars (\$150.00), and there shall have been submitted to the beer board an application which designates the premises upon which beer shall be served. No such charitable, nonprofit or political organization shall be eligible to receive more than two (2) special occasion licenses in any calendar year. For the purpose of this section "bona fide charitable or nonprofit organization" means any corporation which has been recognized as exempt from federal taxes under § 501(c) of the Internal Revenue Code (26 U.S.C.501(c)) or any organization having been in existence for at least two (2) consecutive years which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational or charitable purposes; "bona fide political organization" means any political campaign committee as defined in Tennessee Code Annotated, § 2-10-102 or any political party as defined in Tennessee Code Annotated, § 2-13-101. (Ord. #1969, Dec. 1993, as amended by Ord. #3679, May 2007)

8-214. Permits not transferable. Beer permits shall not be transferable from one (1) person to another with the exception that current permit holders may apply to the beer board for a temporary permit for a transfer of location for a special event that is open to the public. The maximum number

of days and hours covered by the permit will be determined by the beer board. The maximum number of days for the event shall not exceed three (3) consecutive days and no more than twelve (12) transfers may be issued to any permit holder within a one (1) calendar year time period.

No temporary permit authorizing the sale of beer will be issued when such sales would cause congestion of traffic; would violate the existing ordinances as to schools, churches, public parks, or other places of public gathering; or would otherwise interfere with the public health, safety or morals. (Ord. #1969, Dec. 1993, as replaced by Ord. #4227, March 2019 *Ch8_3-12-20*)

8-215. Display of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses and stamps as required by law. (Ord. #1969, Dec. 1993)

8-216. Restrictions on permits based on proximity to schools, churches, public parks or other places of public gathering and on permits that would cause congestion of traffic or interfere with public health, safety and morals. (1) No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, public parks, or other places of public gathering or would otherwise interfere with the public health, safety and morals.

Specifically, but not by way of limitation, no permit for the sale of beer for consumption on-premises or permit for consumption off-premises shall be given to any applicant whose place of business is within five hundred feet (500') of any school or public park. For public parks, said distance shall be measured in a straight line from applicant's front door to the closest point of the park property. For schools, said distance shall be measured in a straight line from applicant's front door to the front door of the school.

In addition, no permit for the sale of beer for consumption on-premises shall be given to any applicant whose place of business is within five hundred feet (500') of any church. Said distance shall be measured in a straight line from applicant's front door to the front door of the church. Said distance restriction shall not apply if the church in question voluntarily locates within five hundred feet (500') of an existing permit holder.

Also, no permit for the sale of beer for consumption off-premises shall be given to any applicant whose place of business is within two hundred fifty feet (250') of any church. Said distance shall be measured in a straight line from applicant's front door to the front door of the church. Said distance restriction shall not apply if the church in question voluntarily locates within two hundred fifty feet (250') of an existing permit holder.

However, the beer board shall not suspend, revoke or deny a permit to a business engaged in selling, distributing or manufacturing beer on the basis of

the proximity of the business to a school, park or church if a valid permit had been previously issued to any business on that same location; provided further, however, this exception shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six (6) month period.

(2) The downtown historic district shall be excluded from the distance restrictions outlined in subsection (1) above. (Ord. #1969, Dec. 1993, as amended by Ord. #2049, Feb. 1995, and replaced by Ord. #3679, May 2007, Ord. #3745, June 2008, Ord. #3767, Sept. 2008, Ord. #3834, March 2010, Ord. #3877, Feb. 2011, and Ord. #3888, June 2011)

8-217. Further restrictions on the issuance of permits. No permit shall be issued to any person who has been convicted of Driving Under the Influence (DUI), Driving While Impaired/Intoxicated (DWI), any violation of the laws against possession, sale, manufacture 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, or any crime involving moral turpitude within the past ten (10) years.

The board in its discretion may refuse to issue a permit for any place of business which in the period immediately preceding the application for a permit was operated in such a manner as to materially contribute with places of like character in its vicinity in the creation or maintaining of a public nuisance.

No permit shall be issued to any person who has been found guilty of violating any of the provisions of this chapter. (Ord. #1969, Dec. 1993, as replaced by Ord. #3679, May 2007, and Ord. #4089, Nov. 2016)

8-218. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue a permit, for this chapter, to hotels, motels, clubs or lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided for by this chapter. (Ord. #1969, Dec. 1993)

8-219. Sanitation for the premises of the permit holder. The premises of the permit holder shall be defined as the lot or property under control of the permit holder, both inside the building and outside the building. The permit holder shall be responsible for the sanitation of the premises including refuse storage, both inside and outside the building, lavatory and general cleanliness of the grounds and structure. The city manager, the county health officer or any properly authorized person is hereby authorized to enter the premises at all reasonable hours for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the City of Columbia. (Ord. #1969, Dec. 1993)

8-220. Persons under the age of twenty-one years, fraudulent evidence of age; purchase in behalf of a person under twenty-one years of age by third person, etc. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a person under twenty-one (21) years of age. It shall be unlawful for any person under twenty-one (21) years of age to present or offer to the holder of a permit, his agent or employee, any written evidence of his age is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any person who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall upon conviction, be subject to a penalty under the general penalty clause for this code; if seventeen (17) years of age, or less, he shall be taken before a juvenile judge for appropriate proceedings. (Ord. #1969, Dec. 1993)

8-221. Investigation of applicants, agents and/or employees. Applicants for, and holders of retail permits under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the beer board, and must submit such information and records as the beer board may require. (Ord. #1969, Dec. 1993)

8-222. Prohibited conduct or activities by beer permit holder. It shall be unlawful for any beer permit holder to:

(1) Employ any person in the distribution or sale of beer who, within the previous ten (10) years, has been convicted of any violation of the laws against possession, sale, manufacture 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, or any crime involving moral turpitude.

(2) Employ any person under eighteen (18) years of age in the sale or dispensing of beer or intoxicating liquors at retail for consumption on the premises. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any person shall be upon the holder and operator of such place of business.

(3) Make or allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, between the hours of three o'clock A.M. (3:00 A.M.) and eight o'clock A.M. (8:00 A.M.) during any night of the week except on Sunday and between the hours of three o'clock A.M. (3:00 A.M.) and ten o'clock A.M. (10:00 A.M.) on Sunday. With the exception of Sunday the sale of package beer shall be allowed daily after eight o'clock A.M. (8:00 AM.). On Sunday, the sale of package beer shall be allowed after ten o'clock A.M. (10:00 A.M.).

(4) Allow any loud, unusual or obnoxious noises to emanate from the premises.

(5) Make or allow any sale of beer or intoxicating liquors, or make, cause or allow to be made any gift thereof to a person under twenty-one (21) years of age, or permit such sale by an employee or any person in any way connected with his place of business. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any customer shall be upon the owner or operator of such place of business and he shall be held strictly accountable for all acts of his employees.

(6) Allow any minor to loiter in his place of business. The burden of ascertaining the age of any person shall be upon the owner or operator of such place of business and he shall be held strictly accountable for any actions of his employees for the violation of this provision.

(7) Make or allow any sale of beer or intoxicating liquor, or make, cause or allow to be made any gift thereof, to any intoxicated person.

(8) Allow drunk or intoxicated persons to loiter on his premises.

(9) Fail to provide and maintain adequate separate sanitary toilet facilities for men and women in facilities selling beer or intoxicating liquors for consumption on the premises.

(10) Allow any sale or delivery of beer or intoxicating liquors for consumption on the premises outside the building occupied by the holder of the permit, except for all decks, patios, enclosed tents and other outdoor serving areas that have direct access to the building and that are contiguous to the exterior of the building in which the business is located and that are operated by the business. Further, a beer permit holder for the sale of package beer may not deliver said beer.

An additional exception exists for facilities whose primary business is serving food, provided such business is located in the central business district, as defined by the zoning ordinance. Such facilities covered by this exception may provide the outdoor sale or delivery of beer or intoxicating liquors for consumption on the premises so long as the location is contiguous to the primary structure and barricaded to ensure that access may only be made through the host facility and not by any other means.

Such facilities covered by this exception may also occupy portions of the public right-of-way, namely sidewalks, so long as access requirements are met and a minimum right-of-way width of five feet (5') is continuously maintained for public travel on such sidewalks at all times.

(11) The owner or operator shall be held strictly accountable for any actions of his employees which violate any of the above provisions. (Ord. #1969, Dec. 1993, as amended by Ord. #3467, July 2002, Ord. #3679, May 2007, Ord. #3929, Nov. 2012, and Ord. #4202, Aug. 2018 **Ch8_3-12-20**)

8-223. Suspension and revocation of beer permits. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the beer board for violation of any provision of the state beer laws or any provision of this chapter. Suspension or revocation proceedings may be initiated by any interested person, by the chief of police, or any member of the police force of the City of Columbia or by any member of the Beer Board of the City of Columbia. The board is vested with full and complete power to investigate any charges against any permit holder and to cite any permit holder to appear and show just cause why his permit should not be suspended or revoked. In addition, the board can designate the Columbia Police Department to conduct any such investigations.

Complaints filed against any permit holder for the purpose of suspending or revoking his permit shall be made in writing and filed with the secretary of the board. When the chairman of the beer board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or any of the provisions of this chapter, the chairman of the beer board is authorized to notify the permit holder of said violations, and to cite said permit holder by written notice to appear at a regular or special meeting of the beer board and show cause why his or her permit should not be suspended or revoked for such violations. The notice to appear and show cause shall state the alleged violations charged and shall be served upon the permit holder either by certified mail, return receipt requested or by a member of the police department of the City of Columbia. The notice shall be served upon the permit holder at least five (5) days before the date of the hearing.

After such hearing the board may, in its discretion, suspend or revoke said permit. The board may, at the time it imposes a suspension or revocation, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to suspension or revocation, the holder shall have seven (7) days within which to pay the civil penalty before the suspension or revocation shall be imposed. If the civil penalty is paid within that time, the suspension or revocation shall be deemed withdrawn. The holder's payment of a civil penalty shall not affect his or her right to review by the courts as hereinafter set forth. The action of the board in all such hearings shall be final, subject to review by the courts as provided in the state beer law. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer to the permit holder until the expiration of one (1) year from the date such revocation becomes final.

At any hearing held pursuant to this chapter for the suspension or revocation of a beer permit, the hearing shall be broad in character and evidence may be heard upon any facts or circumstances to or applicable to the charges made in the complaint. The reputation and character of the place in question

and of the operator and the employees thereof or the holder of the permit complained of shall be material and competent for the consideration of the board at such hearing. (Ord. #1969, Dec. 1993, as amended by Ord. #3679, May 2007)

8-224. City business license. Each applicant, unless exempted by the State of Tennessee, granted to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, secure from the city recorder of the City of Columbia, Tennessee, a city business license as provided in the Tennessee Code Annotated, and shall on any annual inspection provide evidence that the current business license has been issued. (Ord. #1969, Dec. 1993, as replaced by Ord. #4188, May 2018)

8-225. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer in the city a privilege tax of \$100. Any person, firm, corporation, joint-stock company, syndicate or association engaged in selling, distributing, storing or manufacturing beer shall remit the tax on January 1, 1994, and each successive January 1 to the city. The tax shall be remitted to the city recorder as identified in the notice hereinafter designated. The city shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice of the tax was mailed, whichever is later, then the city recorder 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 (10) days after receiving notice of its delinquency by certified mail, then the permit shall be void. 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.

The city may utilize these tax funds for any public purpose. (Ord. #1969, Dec. 1993)

8-226. Notice requesting information. On or before September 1, 1993, the beer board shall mail written notice to each person holding a beer permit as of August 1, 1993, requesting the information required by § 8-212 of this chapter. If the permit holder does not respond within thirty (30) days after the written notice is mailed, then the beer board shall notify the permit holder by certified mail that a response is due. If a permit holder does not respond within ten (10) days after receiving notice by certified mail, then the permit shall be void. (Ord. #1969, Dec. 1993)

8-227. Penalties for violations. Any person, firm, corporation, joint-stock company, syndicate or association engaged in the sale, distribution or manufacture of beer without the permit required by this chapter shall be guilty of a Class A misdemeanor.

Upon the conviction of any permit holder for the violation of any provision of this chapter or the beer laws of the State of Tennessee, the municipal judge shall have the authority to suspend the beer permit for a period of not to exceed thirty (30) days upon the recommendation of the chief of police. This authority granted to the municipal judge shall in no way affect or limit the suspension and revocation authority of the beer board as set forth in the above, but is supplementary thereto. The municipal judge shall have like authority to suspend a permit for a period not to exceed thirty (30) days when any employee of the holder thereof is convicted as provided in § 8-223. (Ord. #1969, Dec. 1993)

8-228. Employees liable for violations. Any employee of any permit holder who violates the provisions of this chapter or an provision of the State Beer Act while so employed by such permit holder shall be guilty of a misdemeanor which shall be punishable under the general penalty clause of this code. (Ord. #1969, Dec. 1993)

8-229. Notice to be given of permit suspension or revocation. The board shall cause the secretary to notify the chief of police or all interested wholesalers of the suspension or revocation of any permit. (Ord. #1969, Dec. 1993)

8-230. Application fee for sale of beer. Each applicant for a beer permit shall be required to pay an application fee of \$250 to the city recorder upon the filing of an application. No portion of the fee shall be refunded to the applicant notwithstanding whether an application is approved or denied. (Ord. #1969, Dec. 1993)