

## TITLE 8

### ALCOHOLIC BEVERAGES<sup>1</sup>

#### CHAPTER

1. BEER.
2. INTOXICATING LIQUORS.
3. ON-PREMISES CONSUMPTION OF INTOXICATING LIQUORS.

#### CHAPTER 1

### BEER<sup>2</sup>

#### SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
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- 8-105. Powers and duties of the beer board.
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- 8-112. Prohibited conduct or activities by beer permit holders.
- 8-113. Suspension and revocation of beer permits.
- 8-114. Civil penalty in lieu of revocation or suspension.
- 8-115. Revocation of clerk's certification for sale to minor.

**8-101. Beer board established.** There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be chairman of the beer board. (Ord. #96-001, April 1996, as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>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).

**8-102. 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 town 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 a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #96-001, April 1996 as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*)

**8-103. Record of beer board proceedings to be kept.** The town recorder shall make a 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: the date of each meeting; the names of the board members present and absent; the names of the members introducing and recording motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #96-001, April 1996, as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*)

**8-104. 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. 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. #96-001, April 1996, as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*)

**8-105. 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 town in accordance with the provisions of this chapter. (Ord. #96-001, April 1996, as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*)

**8-106. "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 five percent (5%) by weight. (Ord. #96-001, April 1996, as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*)

**8-107. Permit required for engaging in beer business; privilege tax; notice and collection.** (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making applications to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said

fee shall be in the form prescribed by the town recorder and made payable to the Town of Thompson's Station, Tennessee. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter.

(2) Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer, an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and on or before each successive January 1, to the Town of Thompson's Station, Tennessee. 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.

(3) Notice and collection of the privilege tax. Pursuant to Tennessee Code Annotated, § 57-5-104(a)(3), the town shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to Jan. 1. Notice shall be mailed to the address specified by the permit holder on its permit holder on its permit application, or at such other address as provided by the permit holder to the town. 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 by the town, whichever is later, then the town shall notify the permit holder by certified mail, return receipt requested, 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 town may suspend or revoke the permit or impose a civil penalty pursuant to Tennessee Code Annotated, § 57-5-108. (Ord. #96-001, April 2006, as replaced by Ord. #2020-022, Feb. 2020 **Ch2\_8-2-21**, and amended by Ord. #2021-006, April 2021 **Ch2\_8-2-21**)

**8-108. Beer permits shall be restrictive.** (1) All beer permits shall be restrictive as to the type of beer a business is authorized to sell under the permit. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. 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 him not to comply with any and all express restrictions or conditions which may be written into his permit authorized by the beer board.

(2) A beer permit issued hereunder shall be issued only in the name of the individual, manager or employee applicant. A permit, except as authorized stated in this chapter, shall continue to be valid so long as that individual, manager or employee is engaged in business at the location authorized in the permit. The individual, manager or employee is charged with compliance of this chapter at the permit location. A permit does not run with the land or business. (Ord. #96-001, April 2006, as replaced by Ord. #2020-002, Feb. 2020 **Ch2\_8-2-21**)

**8-109. Types of permits.** Permits issued by the beer board shall consist of five (5) types:

(1) Manufacturers. 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.

(2) Off-premises. An "off-premises" permit is required for any person, entity, or legal organization engaged in the sale of beer where it is not to be consumed by the purchaser upon or near the premises of the seller.

(3) On-premises. An "on-premises" permit is required for any person or legal organization engaged in the sale of beer where it is to be consumed by the purchaser or guests upon the premises of the seller; and provided beer may also be sold in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges upon their obtaining the required permit.

(a) Anyone applying for or obtaining an on-premises permit may also sell beer to go so a patron may take beer with him purchased at such place after consuming beer. This will be known as a "joint" permit and shall cost an additional two hundred fifty dollars (\$250.00) at the time the application is made, or at any subsequent time when it is sought to change the permit.

(b) No alcoholic beverage shall be consumed in the parking lot of any establishment possessing an on-premises permit, except that, with the prior approval of the beer board, through the application and approval of a special permit, as defined under this chapter, for special events no longer than three (3) consecutive calendar days, permittees may allow consumption of alcoholic beverages sold by the permittee within an area that is roped off or otherwise separated by a continuous fence or other type of barrier from the remaining portion of their parking lot, both ends of which terminate at the permittee's building, deck, porch, patio, or other such attached structure; and provided further, that such permittee provides for an adequate number of private security personnel, as regulated by the Town of Thompson's Station, to prevent unlawful use or possession of alcoholic beverages and to enhance public safety.

(c) Subsection (b) above notwithstanding, beer may be sold and/or consumed in parking lot or lots owned by the permit holder without a special permit; provided that:

(I) Said parking lot or lots, or designated portions thereof, are at least one hundred feet (100') from a public road; and

(ii) When alcoholic beverages are being consumed in the lot or lots, the permit holder provides for an adequate number of private security personnel to prevent unlawful use or possession of alcoholic beverages and to enhance public safety.

(d) All on-premises permit holders are required to serve food and non-alcoholic beverages at all times beer is sold.

(4) Special events permit. A "special events" permit is required for any person, entity, or organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller, including, but not limited to, any location the purchaser has rented for the purposes of the special event. The special events permit will be issued for the fee of one hundred dollars (\$100.00), after approval by the Town of Thompson's Station Beer Board. Prior notification must be made in writing thirty (30) days prior to the event, and such notification shall include the organization holding the event and location where the event is to be held, among other information required by the town recorder. Each permit will be issued for a specific date and a specific period of time, not to exceed three (3) days unless approved by the beer board. The specific period of time will not contradict any existing state or town ordinances or regulations.

(5) Caterer permit. A "caterer" permit to any person, entity, or legal organization conducting a food and beverage catering business who or which has been previously issued a liquor by the drink catering license, or other similar certificate, from the Tennessee Alcoholic Beverage Commission. The liquor by the drink catering license must be current and not expired or revoked at the time of the application for the caterer permit. The caterer permit will be issued for the fee of one hundred dollars (\$100.00), after approval by the Town of Thompson's Station Beer Board. (Ord. #96-001, April 1996, as amended by Ord. #08-012, June 2008, as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*, and Ord. #2021-006, April 2021 *Ch2\_8-2-21*)

**8-110. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business(es) would cause congestion of traffic or would interfere with public health, safety and morals. In no event will a permit be issued authorizing the storage, sale or manufacture of beer by the permit holder within two hundred feet (200') of any school or church as measured in a straight line from the nearest corner of the school or church to the nearest corner of the structure where the beer is to be stored, sold or manufactured. (Ord. #05-004, March 2008, as replaced by Ord. #2020-002, Feb. 2020 *Ch2\_8-2-21*, amended by Ord. #2021-006, April 2021 *Ch2\_8-2-21* )

**8-111. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude, within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or

transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (Ord. #96-001, April 1996, as replaced by Ord. #2020-002, Feb. 2020 **Ch2\_8-2-21**)

**8-112. Prohibited conduct or activities by beer permit holders.**

It shall be unlawful for any beer permit holder to:

- (1) Make or allow sale of beer between the hours of 12:00 midnight and 6:00 A.M.;
- (2) Allow any loud, unusual or obnoxious noises to emanate from the premises, which shall not include locations designed and used for live music;
- (3) Make or allow any sale of beer to a person under twenty-one (21) years of age;
- (4) Make or allow any sale of beer to any intoxicated person or to any mentally incapacitated person;
- (5) Allow drunk persons to loiter about the premises;
- (6) Serve, sell or allow the consumption on the premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight, unless the permit holder has an active liquor license from the Tennessee Alcoholic Beverage Commission;
- (7) "Off-premises" permit holders shall not allow the consumption of alcohol in or about their premises whatsoever;
- (8) Allow gambling on the premises;
- (9) "On-premises and special event" permit holders shall not fail to provide and maintain sanitary toilet facilities; and/or
- (10) Allow an employee of the permit holder who is under the age of eighteen (18) years to sell beer. (Ord. #96-001, April 1996, as amended by Ord. #07-009, Sept. 2007, replaced by Ord. #2020-002, Feb. 2020 **Ch2\_8-2-21**, and amended by Ord. #2021-006, April 2021 **Ch2\_8-2-21**)

**8-113. Suspension and revocation of beer permits.** (1) The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by any member of the beer board upon said member's written request to the chairman of the beer board. Said request shall be in writing, and a notice to the beer permit holder of the initiation of such proceedings shall be sent by certified mail. The notice shall include the basis of such initiation, and the date, time and location of any such public hearing for consideration of such suspension or revocation.

(2) 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 the board 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. (Ord. #96-001, April 1996, as amended by Ord. #07-009, Sept. 2007, as replaced by Ord. #2021-002, Feb. 2020 *Ch2\_8-2-21*)

**8-114. Civil penalty in lieu of revocation or suspension.**

(1) Definition. "Responsible vendor" means a person, corporation or other 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.

(2) Penalty, revocation or suspension. The beer board may, 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.

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.

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 paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose. (Ord. #07-009, Sept. 2007, as replaced by Ord. #2021-002, Feb. 2020 *Ch2\_8-2-21*)

**8-115. Revocation of clerk's certification for sale to minor.** 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 shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. 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. (Ord. #07-009, Sept. 2007, as replaced by Ord. #2021-002, Feb. 2020 *Ch2\_8-2-21*)



## CHAPTER 2

### ALCOHOLIC BEVERAGES OTHER THAN BEER

#### SECTION

- 8-201. Definitions.
- 8-202. Application of chapter.
- 8-203. Powers and duties of town administrator generally.
- 8-204. Classes of certificates issued; restrictions generally.
- 8-205. Retailer's certificates.
- 8-206. Wholesaler's certificate, salesman's and employee's permits, fees, etc.
- 8-207. Books to be kept by wholesalers; inspection fee.
- 8-208. Regulations as to purchase and sale, location of premises, etc.
- 8-209. Certificate of compliance fee to be paid by applicant; penalty.
- 8-210. Employment of minors.
- 8-211. Sales to minors.
- 8-212. Effect of conviction of felony involving moral turpitude.
- 8-213. Effect of conviction of violating laws relating to alcoholic beverages.
- 8-214. Sales to persons intoxicated, etc.
- 8-215. Inspection fee on retailers.
- 8-216. Violations.

**8-201. Definitions.** Whenever used in this chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, or wine and capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight, or less.

(2) "Certificate or certificate of compliance" means the certificate of compliance issued pursuant to this chapter and required by Tennessee Code Annotated, §§ 57-3-208 and/or 57-3-806, as the same may be amended, supplemented, or replaced. Once signed by the town, the certificate must be submitted by the applicant to the Tennessee Alcoholic Beverage Commission.

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

(4) "Retailer" means any person who sells at retail any beverage for the sale of which a certificate of compliance is required under the provisions of this chapter.

(5) "Town administrator" means the town administrator of the town.

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

(7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a certificate of compliance is required under the provisions of this chapter.

(8) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic saccharine and seasonal conditions, and including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be deemed "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. (as added by Ord. #2016-012, Aug. 2016 **Ch2\_8-2-21**, as replaced by Ord. #2022-014, Nov. 2022 **Ch3\_03-14-23**)

**8-202. Application of chapter.** It shall be lawful to store, transport, sell, distribute, possess and receive alcoholic beverages in the town, in accordance with the provisions of Tennessee Code Annotated, title 57, chapter 3, subject to the certificate, payment of taxes, limitations, regulations, and conditions herein provided. Nothing in this chapter is intended to relate to the transportation, storage, sale, distribution, possession or receipt of, or tax upon, any beverage of alcoholic content of five percent (5%) by weight, or less, and no provision relating thereto shall be considered or construed as modified by this chapter. (as added by Ord. #2016-012, Aug. 2016 **Ch2\_8-2-21**, as replaced by Ord. #2022-014, Nov. 2022 **Ch3\_03-14-23**)

**8-203. Powers and duties of town administrator generally.** The town administrator shall have authority to employ additional necessary clerical help, whose compensation shall be paid out of the funds or receipts collected under this chapter. The town administrator, or his or her designee, shall enforce and administer the provisions of this chapter and the rules and regulations made by him. He shall have and exercise the following functions, duties, and powers:

To cause to be issued all certificates in respect to, or for the importation, bottling, keeping, giving away, furnishing, possession, transportation, sale, and delivery of alcoholic beverages, and to revoke any certificate of compliance whatsoever, the issuance of which is authorized by this chapter; provided, that the revocation of any certificate of compliance shall be made by the board of mayor and aldermen only on account of the violation of or refusal to comply with any of the provisions of this chapter, informing such holder of the time and place of the hearing to be held in respect thereto, and all further procedure with reference to the revocation of any certificate of compliance as shall be fixed and prescribed in the rules and regulations adopted and promulgated by the board of mayor and aldermen, which may be repealed or amended from time to time; provided, that in all cases it shall be the mandatory duty of the town administrator to revoke any wholesaler's or retailer's certificate of compliance

after final judgment or conviction of any offense defined, or upon a finding by him of a violation of this chapter for the second time, whether judgment or conviction ensue or not; provided, further, that no person shall be deemed to have a property right in any certificate of compliance issued hereunder, nor shall the certificate of compliance itself, or the enjoyment thereof, be considered a property right. No retail certificate of compliance shall be issued except to an individual operating as such, or to individuals operating a general or limited partnership, other entity recognized by the state of Tennessee. (as added by Ord. #2016-012, Aug. 2016 **Ch2\_8-2-21**, as replaced by Ord. #2022-014, Nov. 2022 **Ch3\_03-14-23**)

**8-204. Classes of certificates issued; restrictions generally.** The town administrator may cause to be issued, under the provisions of this chapter, the following classes of certificates of compliance:

(1) Classes. Certificates of compliance in relation to alcoholic, spirituous beverages exclusively shall consist of the following classes only:

- (a) Liquor wholesaler's certificate of compliance.
- (b) Liquor retailer's certificate of compliance.

(2) Transfer; duration. The holder of a certificate of compliance or license may not sell, assign, or transfer such certificate of compliance or license to any other person, and said certificate of compliance shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed each calendar year by the payment of the certificate of compliance fee herein provided; provided, however, that applicants who are serving in the military forces of the United States in time of war may appoint an agent to operate under the certificate of compliance of the applicant during the absence of the applicant.

(3) Issuance of certificate of compliance where former certificate of compliance has been revoked. Where a certificate of compliance is revoked, no new certificate of compliance shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date such revocation becomes final and effective. (as added by Ord. #2016-012, Aug. 2016 **Ch2\_8-2-21**, as replaced by Ord. #2022-014, Nov. 2022 **Ch3\_03-14-23**)

**8-205. Retailer's certificate of compliance.** For the retail sale of alcoholic, spirituous beverages, a certificate of compliance may be issued as herein provided, and such certificate of compliance shall be required prior to the issuance of a license by the state alcoholic beverage commission. Any person desiring to sell alcoholic, spirituous beverages to patrons or customers, shall make application to the town administrator for a retailer's certificate of compliance, which application shall be in writing, and verified, on forms herein authorized to be prescribed and furnished; and the town administrator may,

subject to the restrictions of this chapter, cause such retailer's certificate of compliance to be issued.

(1) Fee; citizenship requirements. Such retailer's certificate of compliance shall not be issued unless and until the applicant therefor shall pay to the town a certificate of compliance fee of two hundred and fifty dollars (\$250.00).

(2) Limitation on number of certificates to be issued. No person, firm, or other entity shall be licensed under this chapter, through a certificate of compliance, to engage in the sale or distribution of alcoholic beverages in excess of two (2). (as added by Ord. #2016-012, Aug. 2016 *Ch2\_8-2-21*, as replaced by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-206. Wholesaler's certificate of compliance, salesman's and employee's permits, fees, etc.** Any person or other entity desiring to sell at wholesale any alcoholic, spirituous beverages shall make application to the town administrator for a certificate of compliance, which application shall be in writing and verified, on the forms herein authorized to be prescribed and furnished. Thereupon the town administrator may cause to be granted such certificate of compliance subject to the restrictions of this chapter. No wholesale alcoholic, spirituous beverage certificate of compliance shall be issued until the applicant has secured a basic permit to engage in the wholesale liquor business from the federal and/or state government. The sole purpose for the wholesaler certificate of compliance is to ensure the town is aware of each and every wholesaler who conducts business within the municipal limits of the town and to ensure said wholesaler collects, records, and remits the required inspection fee, as defined herein. (as added by Ord. #2016-012, Aug. 2016 *Ch2\_8-2-21*, as replaced by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-207. Books to be kept by wholesalers; inspection fee.** All wholesalers of spirituous liquor shall keep a book in which they shall cause each purchaser of spirituous liquor to enter his name, address, and the amount, serial and stamp number of such liquor. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-208. Regulations as to purchase and sale, location of premises, etc.** (1) Certificate of compliance required for sale or purchase. No retailer shall purchase any alcoholic beverages from anyone other than a wholesaler who has received a certificate of compliance under this chapter. No wholesaler shall sell any alcoholic beverages to anyone other than a retailer who has received a certificate of compliance under this chapter.

(2) Retailer limited to one place of business. No retailer shall, directly or indirectly, operate more than one (1) place of business, and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest, or otherwise.

(3) Requirements as to wholesalers. No alcoholic beverage for sale to the retailer or his representative, shall be sold except by a licensed wholesaler, who sells for resale on his premises and who carries on no other business, directly or indirectly, and whose wholesale business in alcoholic beverages is not operated as an adjunct to, or supplementary to, the business of any other person, either by way of lease of such wholesale premises or otherwise, for any business other than that permitted by the terms of his wholesale license.

(4) Location of premises; entrances and exits. No wholesaler or retailer shall be located except on the ground floor and shall have one (1) main entrance opening on a public street; such place of business shall have no other entrance for use by the public except as hereafter provided. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-209. Certificate of compliance fee to be paid by applicant; penalty.** The certificate of compliance fee for every certificate of compliance, as applicable, issued under this chapter shall be payable by the person making application for such certificate of compliance and to whom it is issued, and no other person shall pay for any certificate of compliance issued under this chapter. In addition to all other penalties provided for violations of this chapter, a violation of this section shall authorize and require the revocation of the certificate of compliance the fee for which was paid by another, and also the revocation of the certificate of compliance, if any, of the person so paying for the certificate of compliance of another. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-210. Employment of minors.** No wholesaler or retailer, or any employee thereof, engaged in the physical storage, sale, or distribution of alcoholic beverages shall be a person under the age of eighteen (18) years. It shall be unlawful for any wholesaler or retailer to employ any person under eighteen (18) years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under such age on his place of business to engage in the storage, sale, or distribution of alcoholic beverages. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-211. Sales to minors.** No retailer shall sell any alcoholic beverages to a person known to be a minor. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-212. Effect of conviction of felony involving moral turpitude.** No wholesaler or retailer shall be a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the concern with which he is connected shall receive a certificate of compliance; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or

judgment of infamy has been removed by a court of competent jurisdiction and in case of any such conviction occurring after a certificate of compliance has been issued and received, the certificate of compliance shall immediately be revoked, if such convicted felon be an individual applicant, and, if not, the partnership, corporation, or association with which he is connected shall immediately discharge him. (as added by Ord. #2022-014, Nov. 2022 **Ch3\_03-14-23**)

**8-213. Effect of conviction of violating laws relating to alcoholic beverages.** None of the certificates of compliance provided by this chapter, or which may be issued hereunder, shall under any condition be issued to any person who, within ten (10) years preceding application for such certificate of compliance or permit shall have been convicted of any offense under the laws of the State of Tennessee, of any other state, or the United States, prohibiting or regulating the sale, possession, transportation, storing, or otherwise handling alcoholic beverages or who has during said period been engaged in business, alone or with others, in violation of any of such laws or rules and regulations promulgated pursuant thereto, as they exist at the time of the adoption of provisions in this chapter or may exist hereafter. (as added by Ord. #2022-014, Nov. 2022 **Ch3\_03-14-23**)

**8-214. Sales to persons intoxicated, etc.** No retailer shall sell any alcoholic beverages to any person who is visibly intoxicated, nor to any person accompanied by a person who is visibly intoxicated. (as added by Ord. #2022-014, Nov. 2022 **Ch3\_03-14-23**)

**8-215. Inspection fee on retailers.** (1) Pursuant to Tennessee Code Annotated, § 57-3-501, there is hereby levied upon every licensed retailer of alcoholic beverages located and doing business within the municipal limits of the Town of Thompson's Station, Tennessee, an inspection fee of five percent (5%) of the wholesale price, paid by such retailer to a wholesaler, of all alcoholic beverages supplied by a wholesaler of alcoholic beverages to such retailer: said fee to be collected by the wholesaler as hereinafter provided.

(2) The inspection fee shall be collected by the wholesaler from the retailer following notice given the wholesaler by the town administrator, or his or her designee, of the Town of Thompson's Station, Tennessee, of the existence of this section. The inspection fee shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(3) Every wholesaler making sale of alcoholic beverages to retailers thereof located and doing business within the corporate limits of the Town of Thompson's Station, Tennessee, shall furnish the town a report monthly, which report shall contain a list of the alcoholic beverages sold to each retailer located within the municipality, the wholesale price of the alcoholic beverages sold to each retailer and the amount of tax due. Such monthly reports shall be

furnished the Town of Thompson's Station not later than the 20th day of the month following the month in which the sales were made. All inspection fees collected by a wholesaler from any retailer located within the Town of Thompson's Station shall be paid to the town at the time the monthly report is made. Wholesalers collecting and remitting the above inspection fee to the Town shall be entitled to reimbursement for this collection service of a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the town.

(4) Failure of any such wholesaler to collect or timely report and/or pay the inspection fee collected to the town, as aforesaid, shall result in a penalty of ten percent (10%) of the inspection fees due the town, which shall be payable to the town.

(5) The Town of Thompson's Station, Tennessee, shall have the authority to audit the records of all wholesalers and retailers subject to the provisions of this chapter in order to determine the accuracy of the reports of the wholesalers.

(6) The inspection fee herein provided for shall be in lieu of all other gross receipt inspection fees imposed upon wholesalers or retailers of alcoholic beverages by the town. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-216. Violations.** (1) Any violation of the terms of this chapter shall constitute a civil misdemeanor and shall be punished by a fine of fifty dollars (\$50.00) per violation per day in addition to any other remedy available to the town at law.

(2) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a certificate of compliance, shall be a violation of this title. The town may refuse to issue a certificate if, upon investigation, the town 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 part of the application.

(3) If the provisions of this chapter are alleged to have been violated, the town may revoke any certificate which has been issued, after first providing an opportunity for the applicant or licensee to refute such allegations and/or show cause why the certificate should not be revoked. Any such revocation shall require a majority vote of the board of mayor and alderman. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

## CHAPTER 3

### ON PREMISES CONSUMPTION OF INTOXICATING LIQUORS

#### SECTION

8-301. Definition of alcoholic beverages.

8-302. Consumption of alcoholic beverages on premises.

8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

8-304. Annual privilege tax to be paid to the town clerk.

**8- 301. Definition of alcoholic beverages.** As used in this chapter, unless the context indicates otherwise: alcoholic beverages mean 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 or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-302. Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption, which are regulated by the said code when such sales are conducted within the corporate limits of Fairview, Tennessee. It is the intent of the board of commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Town of Thompson's Station, Tennessee, the same as if said code sections were copied herein verbatim. It shall be legal to sell and consume alcoholic beverages on premises in the Town of Thompson's Station, Tennessee, in accordance with the provisions of this chapter notwithstanding any provision of any previous ordinance(s) of the Town of Thompson's Station, Tennessee, to the contrary.(as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)

**8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the Town of Thompson's Station, Tennessee, General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Thompson's Station, Tennessee, alcoholic beverages for consumption on the premises where sold. (as added by Ord. #2022-014, Nov. 2022 *Ch3\_03-14-23*)



**8-304. Annual privilege tax to be paid to the town clerk.** Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Thompson's Station, Tennessee, shall remit annually to the town clerk the appropriate tax described in § 8-303. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #2022-014, Nov. 2022 ***Ch3\_03-14-23***)