

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE IN A RETAIL FOOD STORE.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

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8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the Town of Ashland City, except as provided by Tennessee Code Annotated, § 57-3-101, et. seq. and by the rules and regulations promulgated hereunder, and as provided in this chapter.

¹State law reference

Tennessee Code Annotated, title 57.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (1973 Code, § 2-101, as replaced by Ord. #340, April 2008)

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every other liquid containing alcohol or spirits, 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) "License" means the license issued herein and "licensee" means any person to whom such license has been issued by the State of Tennessee Alcoholic Beverage Commission.

(3) "Retail sale" means a sale of alcoholic beverage to a consumer.

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

(5) "Manufacturer" means and includes a distiller, vintner and rectifier.

(6) "Wholesale" 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 license is required under the provision of Tennessee Code Annotated, §§ 57-3-101 through 57-3-110.

(8) "Words" importing the masculine gender shall include the feminine and the neutral, and the singular shall include the plural.

(9) "Person" means a private individual, partnership, joint venture, corporation, or any other business entity or association.

(10) "Premises" means the property owned, leased or controlled by the licensee and so connected with the liquor business in which the licensee is engaged as to form a component or integral part of it, including, but not limited to, the building and parking areas surrounding it.

(11) "Curb service" means all sales transacted outside of the building where the business is carried on. The intent of this provision being to insure that the sale and purchase of alcoholic beverages is transacted in a face-to-face meeting between the salesperson and the customer, with the customer outside of a motor vehicle and under such circumstances that the salesperson has a reasonable opportunity to determine if the customer is then in an intoxicated condition or is a minor.

(12) "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 including champagne, sparkling, and fortified

wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "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.

(13) "Federal license" shall not mean tax receipt or permit. (as added by Ord. #340, April 2008)

8-103. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the wholesale or retail liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #340, April 2008)

8-104. Restrictions on operators of retail liquor stores. (1) Government employees prohibited from obtaining permit. No person, member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointed or elective, or who is a public employee either national, state, city or county except uncompensated appointed members of boards of commissioners who have no duties covering the regulation of permit holders under this chapter. It shall be unlawful for any such person to have any interest in such retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

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

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

(4) Criminal record. No retailer shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances within a ten (10) year period.

(5) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverage any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances, and in case an employee should be so convicted after becoming employed he shall immediately be discharged.

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

(7) Undisclosed interest prohibited. It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in the business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and purchaser. (as added by Ord. #340, April 2008, and amended by Ord. #427, March 2015)

8-105. Application for certificate of good moral character and city license. Before any character certificate or city license is issued or a renewal of said certificate as required by Tennessee Code Annotated, § 57-3-213, the following must be accomplished.

(1) An application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (a) Name, age and address of the applicant.
- (b) Number of years of residence in Cheatham County.
- (c) Occupation or business and length of time engaged in such occupation or business.
- (d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (e) If employed, the name and address of employer.
- (f) If in business, the kind of business and location thereof.
- (g) The location of the proposed store for the sale of alcoholic beverages.
- (h) The name and address of the owner of the store.
- (i) A copy of corporate paperwork as filed with the Tennessee Secretary of State, copy of any partnership agreement, or any other material to show ownership of a partnership or corporation as may be determined by the council.

(j) A copy of any and all paperwork submitted to the alcoholic beverage commission including but not limited to the application filed with the ABC.

(k) 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.

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

(m) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the alcoholic beverage commission. The notice shall contain such information as is prescribed in section (16) of chapter 0100-3-09 of the Local Option Liquor Rules and Regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rules of the commission.

(n) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The city shall require a copy of all applications and information sent to the state.

(2) Each application shall be accompanied by a non-refundable investigation fee of five hundred (\$500.00) dollars. There is also an additional fee of one hundred dollars (\$100.00) for each additional criminal background checkup in partnerships and corporations for anyone owning a five percent (5%) or greater interest. Each applicant understands that a full background checkup will be done on not only the applicant but if a partnership, then the partner, and if a corporation then on anyone owing an interest of five percent (5%) or more. By applying for a certificate, the applicant and anyone that is required to have a background check hereby releases the Town of Ashland City from any and all liability that may be associated with the performance of the background check.

(3) The applicant for a certificate of good moral character 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.

(4) An applicant for a certificate of good moral character will be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #340, April 2008)

8-106. Certificate of good moral character-expiration and renewal. Certificate of good moral character issues under this chapter shall expire after two (2) years or any time there is a change in ownership of the license's establishment or any time a license issued by the alcohol beverage commission is revoked, canceled, or otherwise terminated other than by expiration. There shall be a one hundred dollar (\$100.00) renewal fee per person to defray the cost of a new background check. (as added by Ord. #340, April 2008, and replaced by Ord. #380, Feb. 2011)

8-107. Certificate of good moral character-issuance. A certificate of compliance shall be authenticated as any other resolution of the city council if the city council, while in session, shall find that the applicant fulfills all the following requirements:

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

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

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.

(4) The applicant has not been convicted of a felony within (10) ten years prior to the date of application.

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

(6) The applicant or applicants meets all the other requirements of this chapter. (as added by Ord. #340, April 2008)

8-108. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages. 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. (as added by Ord. #340, April 2008)

8-109. Restriction to location. (1) Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the Town of Ashland City. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the planning and zoning board has reviewed and recommends the site plan submitted by the applicant to the city council.

(2) No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type of building. Said store shall be of a minimum size of one thousand (1,000) square feet.

(3) To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale of alcoholic beverages there sold. All retail sales shall be confined to the premises of the structure and no curb service should be permitted nor shall there be permitted drive in windows. (as added by Ord. #340, April 2008)

8-110. Minimum distance requirement. No liquor store shall be located within three hundred foot (300') distance of separation from a church, school, other public institution, or public meeting place.

The distance of separation shall be determined by the length of a straight line drawn between the front door of the building of the church, school or public institution or a public entrance of the building and the front door of the building for which the license is sought. (as added by Ord. #340, April 2008)

8-111. Display of license. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (as added by Ord. #340, April 2008)

8-112. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages to the same licensee until after the expiration of one (1) year from the date said revocation becomes final and effective. (as added by Ord. #340, April 2008)

8-113. Limitation on number of retailers. No more than three (3) retail licenses for the sale of intoxicating liquors shall be issued under this chapter. (as added by Ord. #340, April 2008)

8-114. Radios, amusement devises 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. (as added by Ord. #340, April 2008)

8-115. Regulations of sale. (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

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

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

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

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

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

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

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

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

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

(11) Consumption on the premises prohibited. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller. (as added by Ord. #340, April 2008)

8-116. Inspection fee. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licensees under this chapter. Said fee to be in the amount of five percent (5%).

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

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

(4) Each wholesaler making sales to retailers located within the corporate limits of the Town of Ashland City shall furnish the City of Ashland City a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

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

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

(d) Such other information as may be required by the Mayor and City Council of the Town of Ashland City. The monthly report shall be furnished to the city recorder of the town not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the Town of Ashland City shall be paid to the Town of Ashland City. The wholesaler shall be entitled to reimbursement for this collection service 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 of Ashland City.

(5) Each wholesaler who fails to collect and/or remit in a timely manner the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent (10%) of the fee due the Town of Ashland City which shall be payable to the Town of Ashland City.

(6) The Town of Ashland City shall have the authority to audit the records of all wholesalers subject to the provision of this section in order to determine the accuracy of said monthly report. (as added by Ord. #340, April 2008, and replaced by Ord. #425, Feb. 2015)

8-117. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction be punishable by a penalty under the general penalty provisions 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. (as added by Ord. #340, April 2008)

CHAPTER 2

BEER

SECTION

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8-201. Interpretation and enforcement. This chapter and the provisions herein shall be interpreted and enforced in conjunction with the laws of the State of Tennessee in regard to beer and other beverages of less than five percent (5%) alcoholic content. In the event of conflicts or inconsistencies, the laws of the State of Tennessee shall control. (Ord. #101, Dec. 1993)

8-202. Definitions. (1) "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, and excluding "wine," as defined in T.C.A. § 57-3-101(a)(20).

(2) "Moral turpitude" as used in this chapter shall mean premeditated murder, all sex related crimes, the illegal sale of Schedule I and II controlled substances as designated under T.C.A. §§ 39-17-405 through 39-17-408, and embezzlement. (Ord. #101, Dec. 1993)

8-203. Hours of sale. No beer shall be sold between 3:00 A.M. and 6:00 A.M. Monday through Saturday, or on Sunday from 3:00 A.M. until 10:00 A.M. (Ord. #101, Dec. 1993, as amended by Ord. #252, May 2002, as amended by Ord. #298, Jan. 2005, and Ord. #515, Dec. 2018 **Ch12_6-11-19**)

8-204. Taxes to be collected. The city's clerk is hereby directed to take appropriate action to ensure payment to the city of the wholesale beer tax levied by the Wholesale Beer Tax Act, as set out in T.C.A. § 57-6-101 et seq. The city's clerk is further directed to take appropriate action to ensure payment to the city of the privilege tax imposed on the business of selling, distributing, storing or manufacturing beer under T.C.A. § 57-5-104(b). (Ord. #101, Dec. 1993)

8-205. Establishment: membership. There is hereby established a beer board, to be composed of all the members of the city council. The board shall elect a chairman of the beer board. All members of the beer board shall be compensated the amount set within § 1-105. (Ord. #101, Dec. 1993, as amended by Ord. #515, Dec. 2018 *Ch12_6-11-19*)

8-206. Meetings. All meetings of the beer board shall be open to the public. When there is business to come before the beer board, a meeting may be called by the chairman, the city manager or clerk, provided that a reasonable notice thereof is given to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #101, Dec. 1993)

8-207. Record of proceedings. The clerk 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 seconding 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. #101, Dec. 1993)

8-208. Requirements for quorum, 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 only by a majority of the total membership of the beer board. Any member present but not voting shall be deemed to have cast a "nay" vote. Applicants or permit holders adversely affected by a vote of the beer board at a meeting in which the total membership is not present may request a rehearing before the full board. (Ord. #101, Dec. 1993)

8-209. Powers and duties. 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 the city in accordance with the provisions of this chapter. (Ord. #101, Dec. 1993)

8-210. Permit required for engaging in beer business. (1) It shall be unlawful for any person to sell, store for sale, distribute for sale or manufacture

beer without first making application 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. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

(2) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndicate or association.

(3) The periodic renewal of beer permits shall not be required. However, a permit shall be valid:

(a) only for the owner to whom the permit is issued and cannot be transferred to another owner. 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;

(b) only for a single location, and cannot be transferred to another location; and

(c) only for a business operating under the name identified in the permit application.

(4) A beer permit shall not be valid if beer is not sold, distributed or manufactured by the permit holder during any continuous six-month period after issuance of the permit.

(5) A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change in name of the business; 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 in name of the business. (Ord. #101, Dec. 1993)

8-211. Restrictive nature. 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. 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 by the beer board.

(1) "On-premise" permit. A permit may be issued to a business engaged in the sale of beer where the beer is to be consumed by the purchaser or his/her guests upon the premises of the seller. No on-premises type permits will be issued authorizing the storage, sale, or manufacturing of beer unless the permittee meets the following qualifications defining a restaurant, special permit, golf course, or hotel:

(a) Restaurant. A restaurant shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, each place being provided with

adequate and sanitary kitchen and dining room equipment and seating capacity of at least sixteen (16) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted; to qualify as a "restaurant" hereunder, receipts from the sale of food shall be at least 60% of the total gross receipts in any consecutive month period for the business establishment.

(b) Hotel. "Hotel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which fifty (50) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least seventy-five (75) at tables, where meals are regularly served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operations of a restaurant on their premises and the holder of such franchise shall be included in the definition of hotel herein. To qualify as a "hotel" hereunder, receipts from the sales of alcoholic beverages shall not exceed 40% of the total gross receipts in any consecutive two-month period for the business establishment.

Hotel also means and includes all entities previously described wherein sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which thirty (30) or more suites are used for sleeping accommodations of such guests and having eating facilities in each room for four (4) or more persons with an adequate and sanitary central kitchen from which meals are regularly prepared and served to guests in such suites. For the purpose of this section a suite is defined as a guest facility within a hotel where living, sleeping, and dining are regularly provided for such guests within the individual units provided for guests. Provided, however, that no such hotel or suite as defined in this subdivision shall be authorized to charge for, inhibit or otherwise interfere in any way with the rights of its guests or tenants to carry into rooms or suites rented by them their own bottles, packages or other containers of alcoholic beverages or to use

or serve them to themselves, their own visitors or guests within the individual units rented or leased by them.

(c) Special occasion permit. "Special occasion permit" means a permit, which the board may issue to a bona fide charitable, nonprofit or political organization. Such a permit may be issued for no more than one time per month by the permittee, with each use being limited in duration to a maximum of seventy-two (72) consecutive hours, subject to the limitations on hours of sale by this chapter. Written notice of the time and place of each intended use shall be given the director of codes or the mayor's designated representative at least five (5) business days before the event.

(d) Golf course. A recreational facility developed for the primary sport of golf, not to be less than nine (9) holes, managed and regularly maintained by the operator of the facility. To qualify as a "golf course" hereunder, receipts from the sales of alcoholic beverages shall not exceed 40% of the total gross receipts in any consecutive two-month period for the business establishment.

(2) "Off-premise" permit. An off-premise permit may be issued to a business engaged in the sale of beer for consumption and not resale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller. (Ord. #101, Dec. 1993, as amended by Ord. #252, May 2002)

8-212. Conditions of permits. Every permit issued by the beer board shall be issued subject to the following conditions:

(1) The premises for which such permit is issued are declared to be a public place for the purpose of inspection by the city's codes inspection officers and police officers or by any other duly authorized law enforcement officer.

(2) The permit holder shall keep invoices and all other memoranda relating in any way to the storing, sale, distribution or manufacture of beer, and shall permit the city's finance director or his designees to inspect, at any time during business hours, all such articles, containers, packages, invoices, books, papers and memoranda as may be deemed necessary in the opinion of the finance director or his designees in determining whether or not all local taxes have been paid or in determining the amount of such taxes that may be due.

(3) The permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law.

(4) The name of the manager responsible for the sale, distribution or manufacture of beer from the location for which the permit is granted shall be provided to the city. In the event of a change in management, the name of any subsequent manager shall be provided to the city within seven (7) days following such change. (Ord. #101, Dec. 1993)

8-213. Interference with public health, safety, morals. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches or other places of public gathering or would otherwise interfere with the public health, safety or morals. In no event will a permit be issued authorizing the storage, sale or manufacture of beer at places within one hundred (100) feet of any school, church or other such place of public gathering, as measured in a straight line from the nearest public entrance of such school, church or other such place to the nearest public entrance of the business in which beer is to be sold, stored or manufactured. No permit shall be suspended, revoked or denied on the basis of proximity to a school, church or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1993, provided that the sale, distribution or manufacture of beer at such location is not discontinued for any continuous six-month period. (Ord. #101, Dec. 1993, as amended by Ord. #261, Oct. 2002)

8-214. Persons convicted of certain crimes deemed ineligible. In order to receive a beer permit, an applicant must establish that he has not been convicted of any violation of the laws against the possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude or any felony within the past ten (10) years, and that no person to be employed by the applicant in the sale or distribution of beer has been so convicted. If the applicant is not an individual, it must establish that no person, firm, joint-stock company, syndicate or association having a least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws against the possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude or any felony within the past ten (10) years. (Ord. #101, Dec. 1993)

8-215. Prohibited conduct or activities by permit holders, agents, servants or employees. The beer board shall have the power and authority to revoke or suspend any permits issued by it for any violation of any provisions of state law regulating the sale, storage, and transportation of alcoholic beverages or for any violation of any provisions of this code or any other ordinance of the Town of Ashland City or when the permittee:

- (1) Operates a disorderly place.
- (2) Permits boisterous or disorderly conduct on the premises.
- (3) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude or any felony.
- (4) Permits minors to loiter about the premises, the burden of ascertaining the age of minor customers being upon the owner or operator of the place of business.
- (5) Has made a false statement or misrepresentation of a material fact in any application or notice to the board.

(6) Sells or allows to be sold on the premises of the permittee any beer to any minor, provided that the board's power and authority to suspend or revoke permits on the grounds on sales to minors shall be limited by the provisions of T.C.A. § 57-5-109(b).

(7) Sells or allows to be sold on the premises of the permittee beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer.

(8) Brings, causes, or allows to be brought onto the premises of any permittee any prohibited drugs under the provisions and within the meaning of the Tennessee Code Annotated.

(9) Employs any person in the sale or distribution of beer who has been convicted of any violation of the laws against the possession, sale, manufacturing, or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten (10) years.

(10) Makes or allows any sale to any intoxicated person, or to any insane or otherwise mentally incapacitated person.

(11) Allows any intoxicated person to loiter on or about the premises.

(12) Fails to provide and maintain sanitary toilet facilities or fails to comply with any state, county or local health laws and regulations. (Ord. #101, Dec. 1993, modified, as amended by Ord. #140, § 1, Nov. 1995)

8-216. Revocation and suspension proceedings. No beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to the permit holder, except that if a permit holder fails to pay the annual privilege tax established under T.C.A. § 57-5-104(b) or fails to provide the information required under T.C.A. § 57-5-104(c), then the permit shall be considered void in accordance with said statutes. Revocation or suspension proceedings may be initiated by the city manager or the police chief or by any member of the beer board. (Ord. #101, Dec. 1993)

8-217. Civil penalties. The beer board may, at the time it imposes a revocation or suspension, 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 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. The holder's payment of a civil penalty shall not affect his ability to seek review of the civil penalty pursuant to state law. (Ord. #101, Dec. 1993)

8-218. Fees. All applications for the issuance of permits from the beer board shall be accompanied by an application fee of \$250 or such other amount as may be established by state law for use in off-setting and defraying the

expenses of investigating the applicant and processing the application. No portion of such fee shall be refunded to the applicant notwithstanding whether an application is approved or denied. (Ord. #101, Dec. 1993)

CHAPTER 3

WINE IN A RETAIL FOOD STORE

SECTION

8-301. Definitions.

8-302. Certification of compliance by the city.

8-303. Expiration of certificate of compliance.

8-301. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in Tennessee Code Annotated, § 67-6-228(a) and has retail floor space of at least one thousand two hundred (1,200) square feet.

(2) 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, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product shall be called 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. Wine does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additions. (as added by Ord. #444, Feb. 2016)

8-302. Certificate of compliance by the city. As a condition precedent to the issuance of a license by the alcoholic beverage commission, Tennessee Code Annotated, § 57-3-806 requires that the retail food store obtain a certificate of compliance. In order to obtain a certificate of compliance, an applicant shall first apply on a form furnished by the city recorder. Upon verification that the applicant meets the requirements of Tennessee Code Annotated, § 57-3-806(b), the mayor may issue the certificate without action by the council. Alternatively, members of the council may sign the certificate and the certificate shall be issued when a majority of the members have signed it. The certificate shall be granted or denied within sixty (60) days after the application for the certificate is submitted to the city. (as added by Ord. #444, Feb. 2016)

8-303. Expiration of certificate of compliance. 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 certificate; provided, however, that the mayor or a majority of the 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. (as added by Ord. #444, Feb. 2016)