

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. State laws to be complied with.
- 8-102. Alcoholic beverages subject to regulation.
- 8-103. Specific rules governing retail package stores.
- 8-104. Specific rules governing on-premise consumption.

8-101. State laws to be complied with. No association, corporation, firm, partnership, or person shall engage in the wholesale, retail or on-premises consumption ("liquor by the drink") liquor business unless all the necessary state licenses and permits have been obtained. (1972 Code, § 2-101, as replaced by Ord. #EWJ12-10-2012-01, Jan. 2013)

8-102. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of the City of Camden except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #EWJ12-10-2012-01, Jan. 2013)

8-103. Specific rules governing retail package stores. (1) Application for certificate of good moral character. Before any character certificate as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any alderman, an application in writing shall be filed with the city recorder on a form to be provided by the City of Camden, giving, inter alia, the following information:

¹Municipal code references

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

Minors in beer places: § 11-102.

State law reference

Tennessee Code Annotated, title 57.

- (a) Name, age and address of applicant.
- (b) Number of years residence in Benton 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 management of the store.
- (i) If the applicant is a partnership, the name, age and address of each partner, and his or her 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.

Each application shall be accompanied by a non-refundable investigation fee of two hundred fifty dollars (\$250.00).

An application for certificate of compliance must be submitted by all owners, partners, stockholders and directors of the store, whether same is a firm, partnership or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, or as stockholder, officer or director on more than one (1) application, or hold any interest in more than one (1) permit at the same time.

A copy of each application for, questionnaire, partnership agreements or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with the same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. The information in the application shall be verified by the oath of the application. 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. All applications submitted in accordance with this chapter shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting.

(2) Applicant to agree to comply with laws. 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.

(3) Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. Before the issuance of any character certificate or a renewal of the same, an applicant may be required

to tender requested documentation for review and/or inspection by the board of mayor and aldermen.

(4) Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the city recorder for review, who shall submit their findings to the board of mayor and aldermen.

The mayor or a majority of the board of mayor and aldermen may, in its sole discretion, issue a certificate of moral character to any qualified applicant.

(5) Residency requirements. The applicant for a certificate of good moral character shall have been a bona fide resident of Benton County, Tennessee for not less than two (2) years prior to the time the application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Benton County, Tennessee not less than two (2) prior years to the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated.

(6) 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 in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise.

(7) Where establishment may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose, (which include B-1 and B-2) but in no event shall any establishment be located within three hundred feet (300') of a hospital, church, school, day care, public library, or any public park, measured in a straight line between the nearest point in the property line upon which sits the building from which alcoholic beverages will be sold, stored or distributed, and the nearest point on the property line of the hospital, school, church, day care, or public park.

(8) Limitation on number of retailers. No more than three (3) retail licenses for the sale of alcoholic beverages shall be issued by the City of Camden under this chapter.

(9) Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating shall be provided for persons other than employees.

(10) Inspection fee. The City of Camden hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. Said inspection fee shall be collected and administered in line with Tennessee Code Annotated, §§ 57-3-502 and 57-3-503.

(11) Violations. The license holders are responsible at all times for the conduct of their business and are at all times directly responsible for the conduct

of all employees. Any violation of this chapter or of Tennessee or federal law which regulates intoxicating liquors shall constitute a civil offense and shall, upon conviction, be punishable by a penalty as enumerated under the general penalty provisions of this code as well as state and federal law.

(12) Selection of qualified applicants. Whenever there has been determination to be more qualified applicants than licenses available the City of Camden shall use a lottery system to choose between such qualified applicants, in a manner as decided by the mayor and board of aldermen.

(13) Hours and times of operation. The hours and dates of operation for retail licenses are controlled by Tennessee Code Annotated, § 57-3-406.

(14) Regulations on premises. All retail establishments must comply with the City of Camden building and zoning codes. (as added by Ord. #EWJ12-10-2012-01, Jan. 2013)

8-104. Specific rules governing on-premise consumption.

(1) 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 said code when such sales are conducted within the corporate limits of the City of Camden, Tennessee. It is the intent of the mayor and board of aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Camden, Tennessee, the same as if said code sections were copied herein verbatim.

(2) Restriction on the hours for sale of intoxicating liquors. There shall not be any intoxicating liquor sold on any Sunday between the hours of 3:00 A.M. and 12:00 P.M. All other times and dates of sales shall be as referenced by Tennessee Code Annotated, § 57-4-203.

(3) 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 amount levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Camden 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 City of Camden alcoholic beverages for consumption on the premises where sold.

(4) Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Camden shall remit annually to the city recorder the approximate tax described in Tennessee Code Annotated, § 57-4-301. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the approximate tax when due shall be subject to the penalty provided by law.

(5) Club application. Any club, as defined in Tennessee Code Annotated, title 57 that seeks to obtain a license for on-premises consumption of liquor must make an application to and obtain a permit from the City of Camden. This application shall be made on such form as the city shall prescribe. Each applicant shall be of good moral character and certify that he has read and is familiar with the provisions of this chapter. Such application shall be in writing and must be filed with the city recorder on a form to be provided by the city. Each application shall be accompanied by a non-refundable investigation fee of four hundred and fifty dollars (\$450.00). A copy of each application form, questionnaire, partnership agreement or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. The information in the application shall be verified by the oath of each 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. All applications submitted in accordance with this chapter shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting.

(6) Signature requirements. All establishments authorized under this section must comply with the City of Camden zoning code. (as added by Ord. #EWJ12-10-2012-01, Jan. 2013)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Permit required for engaging in beer business.
- 8-203. Hours and days when sale of alcoholic beverage prohibited.
- 8-204. Open beer prohibited in automobile, etc.
- 8-205. Issuance of permits distance requirement.
- 8-206. Privilege tax.
- 8-207. Civil penalty in lieu of suspension.
- 8-208. Sale of beer for consumption on-premises.

8-201. Beer board established. There is hereby created a city beer board to be made up of not more than six members. Such beer board shall be appointed by the council and may consist of the members of council or any portion thereof. The terms of office of the members of said beer board shall be for one year from the date of appointment. Said board shall meet and organize as soon as practicable by electing a chairman and secretary. (1972 Code, § 2-201)

8-202. Permit required for engaging in beer business. 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, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Camden. 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. (Ord. #GWO-3, Oct. 1993)

8-203. Hours and days when sale of alcoholic beverage prohibited. The sale of alcoholic beverages, within the City of Camden between 12 o'clock midnight on Saturday and 12 o'clock midnight on Sunday, is strictly prohibited.

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).

Anyone who is found violating this chapter shall be guilty of a misdemeanor and shall be subject to disciplinary action by the beer board of the City of Camden. (1972 Code, § 2-203)

8-204. Open beer prohibited in automobile, etc. It shall be unlawful for any individual to possess open beer in any automobile which is traveling or parked upon the streets or public property of the City of Camden, or to possess open beer or consume beer while upon any public property within the City of Camden including streets, alleys, parking lots, parks or any other facility which is used for public purposes, and any violation of this chapter, upon conviction is deemed a misdemeanor. (1972 Code, § 2-204)

8-205. Issuance of permits distance requirement. The beer board of the City of Camden shall not issue a beer permit to any establishment that is nearer than 200 feet of a church, school, or other place of public gathering. For purposes of calculating the distance, the measurement shall be made from building to building in a straight line. (Ord. #EWJ-24, July 1988)

8-206. 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). 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 each successive January 1, to the City of Camden, 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. (Ord. #GWO-3, Oct. 1993)

8-207. Civil penalty in lieu of suspension. 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.

Payment of the civil penalty in lieu of 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 city may impose. (Ord. #GWO-3, Oct. 1993, modified)

8-208. Sale of beer for consumption on-premises. The prohibition against the sale of beer for consumption on the premises within the City of

Camden shall be permitted only in business establishments that have been previously approved for the sale of intoxicating liquors for consumption on the premises within the city limits of the City of Camden. (as added by Ord. #EWJ12-10-2012-02, Jan. 2013)