

TITLE 8**ALCOHOLIC BEVERAGES¹****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. PACKAGE LIQUOR STORES AND WINE SOLD AT RETAIL FOOD STORES.

CHAPTER 1**INTOXICATING LIQUORS²****SECTION**

- 8-101. Definition of alcoholic beverages.
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
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- 8-105. Advertisement of alcoholic beverages.

8-101. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise: Alcoholic beverages means 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. (1978 Code, § 2-101, as replaced by Ord. #11-855, Jan. 2011)

8-102. 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 Sparta, Tennessee. It is the intent of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Sparta, Tennessee, the same

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

as if said code sections were copied herein verbatim. (as added by Ord. #11-855, Jan. 2011)

8-103. 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 City of Sparta 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 Sparta alcoholic beverages for consumption on the premises where sold. (as added by Ord. #11-855, Jan. 2011)

8-104. 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 Sparta shall remit annually to the city recorder the appropriate tax described in § 8-103. 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. #11-855, Jan. 2011)

8-105. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #11-855, Jan. 2011)

CHAPTER 2**BEER¹****SECTION**

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¹State law reference

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

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8-201. Sale of beer lawful; privilege. It shall hereafter be lawful and is hereby declared to be a privilege to sell, store for resale, distribute or manufacture beer as defined by Tennessee Code Annotated, § 57-5-101 (b), or other beverage of like alcoholic content, within the corporate limits of the City of Sparta, Tennessee, subject to all of the regulations, limitations and restrictions hereinafter provided. (1978 Code, § 2-201, as replaced by Ord. #11-857, May 2011, Ord. #16-897, July 2016 *Ch13_12-18-18* and Ord. #17-911, Dec. 2017 *Ch 13_12-18-18*)

8-202. Beer board created; duties and powers. There is hereby created a board, which shall be known and designated as the "beer board," hereinafter referred to in this chapter as the "board." Such board shall be composed of the members of the Board of Mayor and Aldermen of the City of Sparta, Tennessee, who shall vote with other members thereof. It shall be the duty of the board to regulate, supervise and control the issuance of permits to sell, store, distribute, dispense, serve, and/or manufacture beer and other beverages of like alcoholic content as defined by Tennessee Code Annotated, § 57-5-101(b) in the City of Sparta.

It is hereby declared that the sale of beer in the city is a privilege, and such board is hereby empowered, with complete discretion, to issue, revoke and suspend all licenses to sell beer in the city, and to perform such other duties and to have such other powers and authority as provided in this chapter. (1978 Code, § 2-202, as replaced by Ord. #11-857, May 2011, and amended by Ord. #16-897, July 2016 *Ch13_12-18-18*, Ord. #17-911, Dec. 2017 *Ch13_12-18-18*)

8-203. Mayor to preside; right to vote. The mayor shall preside over all meetings of the beer board and shall have one (1) vote. (1978 Code, § 2-203, as replaced by Ord. #11-857, May 2011)

8-204. Oath of board members. The members of the beer board will be required to subscribe to a written oath of office to carry out and enforce Tennessee Code Annotated, title 57, ch. 5, as well as the terms and conditions of this chapter. (1978 Code, § 2-204, as replaced by Ord. #11-857, May 2011)

8-205. Quorum for board. A majority of the members of the beer board shall constitute a quorum for any purpose. (1978 Code, § 2-205, as replaced by Ord. #11-857, May 2011)

8-206. Recorder to be secretary of board. The recorder of the municipality shall be ex-officio secretary of the beer board, but shall have no vote in its proceedings. (1978 Code, § 2-206, as replaced by Ord. #11-857, May 2011)

8-207. Records of secretary. It shall be the duty of the secretary to keep a record of all the proceedings of the board and to keep on file all original applications, as well as a duplicate of each permit issued by the board. (1978 Code, § 2-207, as replaced by Ord. #11-857, May 2011)

8-208. Inspectors; enforcement. The beer board, acting for the city, may fix the compensation of inspectors for the purpose of enforcing this chapter and other laws, ordinances and rules regulating the distribution, possession, storage and sale of beer, or other beverages of like alcoholic content at wholesale or retail. Such inspector, if appointed, shall hold office by and in the discretion of the board. Members of the police department are fully authorized to enforce all provisions of this chapter at the option of the board in lieu of inspectors as hereinabove provided. (1978 Code, § 2-208, as replaced by Ord. #11-857, May 2011)

8-209. Permit required for engaging in beer business – privilege tax. (1) It shall be unlawful for any person, firm or corporation, joint stock company, syndicate, or association (all of which shall hereinafter in this chapter be designated as "person") to sell beer or to store beer for sale, distribute, or manufacture beer by weight or otherwise, 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 shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Sparta. 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) Permits shall be issued for an indefinite period of time except that the Sparta Beer Board may issue a permit for a shorter or probationary period if, in its discretion, it deems such action proper and reasonable under the circumstances.

(3) 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, 2011, and on each successive January 1, to the City of Sparta, 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, all as provided in Tennessee Code Annotated, § 57-5-104.

(4) No permit now in force or hereafter issued shall be good or valid except at the location described in the application upon which it is based; nor shall any such permit be transferrable. If the permit holder is a corporation or limited liability company, a change in ownership requiring the issue of a new permit shall occur when control of at least fifty percent (50%) of the stock of the corporation or limited liability company is transferred to a new owner.

(5) The applicant or a representative may be required to appear in person before the board for questioning about any and all questions related to the qualifications required under this chapter and amendments thereto.

(6) No permit may be granted hereunder to any establishment when any person, firm or corporation having at least a five percent (5%) ownership in the establishment has been convicted within ten (10) years prior to the application for a permit hereunder of a violation of the laws governing the possession, sale or manufacture of alcoholic beverages or of any felony or crime involving moral turpitude or has had a beer permit revoked or suspended within the past ten (10) years. No person employed by any beer business shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of alcoholic beverages or any felony or crime involving moral turpitude within the last ten (10) years.

(7) Every permit and license issued pursuant to this chapter shall be displayed in a conspicuous place in the place of business named and described in the permit. A permit shall be valid only for a single location and cannot be transferred to another location except where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in the owner's discretion operate some or all of such businesses pursuant to the same permit. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business.

(8) No permit or license shall be issued pursuant to this chapter unless the applicant establishes to the satisfaction of the board that he has obtained all

permits and paid all required fees and privilege taxes and has met all of the requirements of the laws of the State of Tennessee and the United States.

(9) The holder of a permit issued pursuant to this chapter desiring to voluntarily surrender the permit shall tender said permit to the beer board. The beer board shall take such action upon the offer to surrender as it may determine necessary and advisable under the circumstances, and it shall have the absolute authority to refuse to accept the surrender of any permit.

(10) Upon notice by the Sparta Chief of Police or agent thereof that the city has reasonable cause to conclude that a permit holder is ineligible to hold a permit and/or falsified information in order to obtain a permit, the permit will be immediately temporarily suspended. The permit holder may request a hearing before the board within seven (7) working days of the suspension.

(11) If any false or misleading information is found in any material submitted to the board by or on behalf of an applicant for a beer permit, the application shall be cancelled and the applicant and any person who submitted false or misleading information shall not be permitted to apply for a beer permit for a period of ten (10) years from the date of the cancellation of the application.

(12) If any false or misleading information is found in any material submitted to the beer board by or on behalf of a holder of a beer permit, the permit shall be revoked immediately by the beer board and the permit holder and any person who submitted false or misleading information shall not be permitted to apply for a beer permit for a period of ten (10) years from the date of the revocation of the permit.

(13) A permit holder must return to the beer board all permits issued to the permit holder by the beer board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, that notwithstanding the failure to return a beer permit, the permit shall expire on the termination of the business, change in ownership, relocation of the business or change in the business's name. (1978 Code, § 2-209, as replaced by Ord. #11-857, May 2011, and amended by Ord. #17-911, Dec. 2017 *Ch13_12-18-18*)

8-210. Permits for retail sale; types designated. Permits for the retail sale of beer shall be of four (4) types:

(1) On-premise permits. On-premise permits shall be issued for the consumption of beer on the premises in accordance with the provisions of this chapter.

(2) Off-premise permits. Off-premise permits shall be issued for the sale of beer only for consumption off the business premises in accordance with the provisions of this chapter.

(3) Special event/temporary beer permits. This is described in § 8-243.

(4) Manufacturer/retailer permit. A manufacturing/retailer permit may be issued for the sale and manufacturing of beer to any manufacturer that meets the requirements set forth in Tennessee Code Annotated, § 57-5-102 to

manufacture beer and to store, distribute, sell at wholesale, and sell at retail, for both on-premises and off-premises consumption to the extent permitted by and in accordance with Tennessee Code Annotated, § 57-5-101 and other applicable state law and as subsequently amended.

A business can sell beer for both on-premises and off-premises consumption at the same location pursuant to one (1) permit if otherwise permitted by law and this chapter. (1978 Code, § 2-210, as repealed by Ord. #11-856, Jan. 2011, replaced by Ord. #11-857, May 2011, and amended by Ord. #16-897, July 2016 *Ch13_12-18-18*, and Ord. #17-911, Dec. 2017 *Ch13_12-18-18*)

8-210 (a). Restrictions upon issuance of on-premises beer permits.

Permits for the on-premise sale of beer shall be issued according to the following classes and limitations, except that this provision shall not be applicable to the renewal of any permit existing and outstanding as of May 5, 2011.

(1) On-premise where beer is sold for consumption at a restaurant.

Restaurant shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premises. A restaurant as so defined to be a public place where meals are actually and regularly served, and such place being provided with adequate and sanitary kitchen and dining room equipment, serving at least two (2) meals per day, five (5) days a week, and the serving of such meals shall be the principal business conducted. There shall be no limitation on the number of beer permits issued to restaurants.

(2) On-premise where beer is sold for consumption at a tavern.

Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of twelve (12) taverns located within the corporate limits of the City of Sparta.

(3) On-premise where beer is sold in the rooms of regularly conducted hotels and motels as the same are defined under Tennessee state law regulating beer permits. Beer sold under such permit shall be dispensed to adult guests only through locked, in-room units. No person under the age of twenty-one (21) shall be issued or supplied with a key by any hotel or motel for such units. (as added by Ord. #11-857, May 2011)

8-210 (b). Restrictions upon issuance of off-premises beer permits. Permits for the off-premise sale of beer shall be issued according to the following classes and limitations, except that this provision shall not be applicable to the renewal of any permit existing and outstanding as of May 5, 2011.

(1) Off-premise where beer is sold at a grocery (food store). Grocery shall mean a business establishment whose primary business is the retail sale of food merchandise and household items. Beer shall not be sold for consumption

on the premises of grocery stores. There shall be no limitation on the number of beer permits issued to grocery stores.

(2) Off-premise where beer is sold at a convenience store or market. Convenience store or market shall mean a business establishment whose business is the retail sale of gasoline and petroleum products and food merchandise, household supplies and sundries. Beer shall not be sold for consumption on the premises of convenient stores or markets. There shall be no limitation on the number of beer permits issued to convenient stores or markets.

(3) Off-premise where beer is sold at a drug store. Drug store shall mean a business establishment whose primary business is the retail sale of pharmaceuticals, food merchandise, household items, and sundries. Beer shall not be sold for consumption on the premises of drug stores. There shall be no limitation on the number of beer permits issued to drug stores. (as added by Ord. #11-857, May 2011)

8-210 (c). Public consumption of beer prohibited. (1) None of the beverages regulated by this chapter shall be consumed on any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school, nor upon any park or public grounds nor upon any vacant lot within two hundred feet (200') of any public street, highway, avenue, or other public place unless approved by the beer board under the provisions of a special event/temporary beer permit.

(2) Selling or otherwise dispensing beer to persons in motor vehicles. The beverages regulated by this chapter shall not be sold, given away, served, or otherwise dispensed to persons in automobiles or other motor vehicles except where the beverages are sold in package form. (as added by Ord. #11-857, May 2011, and amended by Ord. #16-897, July 2016 *Ch13_12-18-18*)

8-210 (d). Restrictions pertaining to intoxicated persons. None of the beverages regulated by this chapter shall be sold or given away or otherwise dispensed or served to any person in a drunken condition; nor shall any person in such condition be permitted or allowed to consume any such beverages upon or in any premises or place of business where such beverages are sold, dispensed, served or distributed. No person holding a permit under and dealing in or handling the beverages regulated by this chapter shall permit or allow upon his premises or in his place of business any person who is under the influence of any intoxicant whatsoever. It shall be the duty of any person holding a permit under and dealing in and handling the beverages regulated by this chapter to promptly notify the police officers when any person under the influence of any intoxicant whatsoever enters the premises or place of business of the person holding such permit. No owner, co-owner, operator, proprietor, employee or servant of a place of business holding and/or exercising a permit issued pursuant to this chapter shall drink or be under the influence of any of the beverages regulated by this chapter or any other intoxicant while in or

working at any such place of business or while upon any such premises. (as added by Ord. #11-857, May 2011)

8-210(e). Growler sales permitted under certain circumstances.

(1) Any permittee holding either a on-premise, off-premise, or manufacturer/retailer permit may also engage in the sale of beer, as otherwise defined herein, for off-premise consumption only in the context of and with the utilization of a carry-out container commonly referred to as "growlers," defined for these purposes as a glass, plastic, stainless steel, or ceramic reusable container with a screw on cap or a hinged porcelain gasket cap the size of which containers shall not be less than thirty-two U.S fluid ounces (32 oz.) and the size of which shall not exceed sixty-four U.S. fluid ounces (64 oz.). Beer sold in growler(s) may not be consumed on the premises where sold.

(2) Vendors shall utilize on-premises sanitized growlers, as defined herein, with a sealed cap or hinged gasket porcelain stopper for all growler sales. Refilling a customer's growler without the growler being first sanitized by the licensee is not permitted. (as added by Ord. #17-911, Dec. 2017 *Ch13_12-18-18*)

8-211. Deleted. (1978 Code, § 2-211, modified, as replaced by Ord. #11-857, May 2011, and deleted by Ord. #17-911, Dec. 2017 *Ch13_12-18-18*)

8-212. Verification of application; effect of false statement. This application shall be verified by the affidavit of the applicant, made before a notary public or the city recorder, and if any false statement is made in any part of such application the permit or license granted or issued to the applicant shall be revoked by the beer board. The board shall appoint a committee consisting of the police chief, city administrator and codes enforcement officer to investigate permit applications and within the second meeting of the board after the application is filed, to make a report of its investigation with its recommendations to the board. (1978 Code, § 2-212, as replaced by Ord. #11-857, May 2011)

8-213. Suspension or revocation. (1) The beer board may suspend a permit when a permit holder has a charge filed and/or a warrant issued in a court of competent jurisdiction naming the permit holder where the charge concerns the violation of any law related to the prohibition, sale, manufacture, or transportation of intoxicating liquors, gambling, drugs, including synthetic drugs or any crime of moral turpitude.

(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.

(3) Civil penalty in lieu of revocation or suspension. (a) 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.

(b) 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 city may impose.

(4) Loss 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. (1978 Code, § 2-213, as replaced by Ord. #11-857, May 2011, and amended by Ord. #12-866, Feb. 2012)

8-214. Civil penalty in lieu of suspension. (1) The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a city 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. 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.

(2) 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. (Tennessee Code Annotated, § 57-5-602, et seq.)

(3) 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. (1978 Code, § 2-213(A), modified, as replaced by Ord. #11-857, May 2011)

8-215. Investigative powers. The board created by this chapter is vested with full and complete power to investigate charges against any permit holder to appear and show cause why their permit should not be suspended or revoked for the violations of the provisions of this chapter or the provisions of the state beer act. The city recorder and the beer board are hereby authorized to subpoena persons and records, and to administer oaths and hear testimony in the enforcement of this chapter. (1978 Code, § 2-214, as replaced by Ord. #11-857, May 2011)

8-216. Show cause hearing; effect of revocation. Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the state beer act, the board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon permittee either by registered mail or by a member of the police department of the City of Sparta. The notice shall be served upon the permittee at least ten (10) days before the date of the hearing. At the hearing the board shall publicly hear the evidence both in support of the charge and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject only to review by the court as

provided in the state beer act. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. (1978 Code, § 2-215, as replaced by Ord. #11-857, May 2011)

8-217. Posting of permit. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1978 Code, § 2-216, as replaced by Ord. #11-857, May 2011)

8-218. Permits not transferrable. Permits issued under the provisions of this chapter are not transferrable, either as to location or to successor by purchase, or otherwise of the business for which the permit was issued, and in either case, a new permit is required in the manner provided herein. (1978 Code, § 2-217, as replaced by Ord. #11-857, May 2011)

8-219. Unlawful for manufacturer or distributor to sell to the unlicensed. No manufacturer or distributor of beer or other beverages of like alcoholic content shall sell to anyone except a licensed dealer holding a currently valid permit issued by the board. This is not subject to those who have a special event/temporary beer permit as detailed in § 8-243. (1978 Code, § 2-218, as replaced by Ord. #11-857, May 2011, and amended by Ord. #16-897 *Ch13_12-18-18*)

8-220. Sale to minors unlawful; employers regulated. (1) No person engaging in the business regulated under this chapter shall make or permit to be made any sales or gifts to minors, or employ any person in the storage, sale, or distribution of any of such beverages except citizens of the United States. Neither the person engaging in such business nor any person employed by him shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor, or any crime involving moral turpitude within the last ten (10) years. For purposes of this chapter, the term "minor" is defined as any person not legally entitled to purchase intoxicating liquors as defined by the applicable sections of the Tennessee Code.

(2) No sales, gifts, or distribution of beer shall be made or permitted to be made to persons under twenty-one (21) years of age. No person under the age of eighteen (18) years shall be permitted to serve beer for on-premises consumption. No person under the age of eighteen (18) years shall be permitted to sell, handle, key in to a cash register, or scan into a cash register beer for off-premises consumption. No person under the age of eighteen (18) years of age shall check identification of those attempting to purchase beer for off-premise consumption. Persons under twenty-one (21) years of age shall not be permitted to loaf or loiter in taverns or package stores. The burden of ascertaining the age

of customers shall be upon the holder of the permit. (1978 Code, § 2-219, as amended by Ord. #03-765, Feb. 2003, as replaced by Ord. #11-857, May 2011)

8-221. Procurement of alcoholic beverages for minor a misdemeanor. It is hereby declared to be a misdemeanor, punishable as any other misdemeanor, for any adult person to buy or procure beer or other alcoholic beverage for or on behalf of any minor, and to deliver the same to said minor or any other minor. (1978 Code, § 2-220, as replaced by Ord. #11-857, May 2011)

8-222. Misrepresentation of age by minor. It shall be unlawful, and a misdemeanor, for any person under eighteen (18) years of age knowingly to misrepresent his age in order to obtain or purchase beer or remain in a location where minors are not allowed. (1978 Code, § 2-221, as replaced by Ord. #11-857, May 2011)

8-223. Days and hours of operation. Hours and days of sale, etc., regulated. It shall be unlawful for any person, firm, corporation, joint stock company, syndicate or association to offer for sale or sell beer or other alcoholic beverage with an alcoholic content not exceeding five percent (5%) by weight within the corporate limits of Sparta, Tennessee between the hours of 3:00 A.M. and 6:00 A.M. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. No such beverages shall be consumed or opened for consumption on or about any premises where beer or other alcoholic beverages with an alcoholic content not exceeding five percent (5%) of weight are sold within the corporate limits of Sparta, Tennessee in either bottle, glass, or other container after 3:15 A.M. (1978 Code, § 2-222, as repealed by Ord. #11-854, Jan. 2011, and replaced by Ord. #11-857, May 2011)

8-224. Sale of beer on premises in direct connection with sleeping quarters prohibited. Except as hereinafter provided, no beer shall be sold on premises in direct connection with which sleeping quarters are provided. Within the meaning of this section, sleeping quarters shall be considered as being in direct connection with the premises upon which the sale is made when the sleeping quarters are in the same room, or when any interior passageway, door, hall, stairway or other interior connection or a combination thereof, is available and is used in going to or from the place where such sale is made to such sleeping quarters. (1978 Code, § 2-223, as replaced by Ord. #11-857, May 2011)

8-225. Employment or interest of city employees in beer places prohibited. It is hereby declared to be unlawful for any member of the police or fire departments of the City of Sparta, without a special permit from the board, to work at any place where beer is dispensed under this chapter, or for

any such city employee to have any interest, direct or indirect, in such business. (1978 Code, § 2-224, as replaced by Ord. #11-857, May 2011)

8-226. Advertising signs and displays on premises. No person authorized to sell beer at retail may erect or maintain any outside signs, advertising or displays located upon or attached to such buildings or premises for the purpose of advertising beer or beverages of like alcoholic content; provided, however, that each retail permittee is hereby allowed and permitted to erect and maintain one (1) sign on the outside of such building or premises, such sign bearing only the word "beer" and not exceeding the maximum dimension of thirty-six inches by eight inches (36" x 8"); provided further, however, that this provision shall not be construed to prohibit the erection and maintenance of advertising signs and displays placed or located within or inside the building and premises on which such beverages are sold at retail. (1978 Code, § 2-225, as replaced by Ord. #11-857, May 2011)

8-227. Outside advertising. It shall be unlawful for any person, firm, or corporation to place or maintain any outdoor advertisement of beer upon any sign, billboard, post, building, or other place within the corporate limits of the City of Sparta. (1978 Code, § 2-226, as replaced by Ord. #11-857, May 2011)

8-228. Inspection and investigation; effect of refusal. The place of business and premises of the holder of any license for the distribution or sale of beverages regulated in this chapter shall be open to inspection and investigation by inspectors or police officers designated under § 8-208 hereof, at any time such place is open for business, and any refusal by the holder of such license, or by his agents, servants or employees to permit any such officer to enter upon, inspect and investigate any house, building or room wherein business authorized by any permit issued by the beer board created in § 8-202 is conducted, within the hours that such house, building or room is open for business, shall be unlawful and a misdemeanor. The conviction of such holder, or of any agent, servant or employee of such holder, of a violation of the provisions of this section shall also be a sufficient ground, reason and cause for the revocation of the permit and license of such holder. (1978 Code, § 2-227, as replaced by Ord. #11-857, May 2011)

8-229. Applicant must agree to comply with all applicable laws. Every applicant for a beer permit and license must agree in the application for a permit to comply with all laws of the State of Tennessee, the United States, and all ordinances of the City of Sparta regulating the handling of beer. (1978 Code, § 2-228, as replaced by Ord. #11-857, May 2011)

8-230. Application to contain revocation agreement. All applications for a beer permit and license shall contain an agreement that the

beer board may revoke or suspend the permit and license issued under the provisions of this chapter. (1978 Code, § 2-229, as replaced by Ord. #11-857, May 2011)

8-231. Zoning. No beer permit or license shall be issued for the conduct of business at any point or place in the corporate limits of the City of Sparta unless such place is zoned for, or authorized to be used for, commercial or other purposes, corresponding to the character of the business contemplated herein. (1978 Code, § 2-230, as replaced by Ord. #11-857, May 2011)

8-232. Beer board to approve or disapprove permits; recorder to issue license. Beer permits shall be approved or disapproved by the beer board created in § 8-202, and if approved, a license shall be issued by the city recorder in a manner similar to the issuance of other licenses. (1978 Code, § 2-231, as replaced by Ord. #11-857, May 2011)

8-233. Separate permit and license required for each location. A separate permit and license shall be obtained for each location at which and from which any applicant is to distribute or sell legalized beer. (1978 Code, § 2-232, as replaced by Ord. #11-857, May 2011)

8-234. Penalties. In addition to other penalties provided in this chapter, any person violating the provisions of this chapter shall be guilty of a misdemeanor, and may be tried in city court and cited to the beer board and may have his permit suspended or revoked. A citation before the beer board and suspension or revocation of permit in addition to trial and conviction of the misdemeanor shall not constitute double jeopardy. (1978 Code, § 2-235, as replaced by Ord. #11-857, May 2011)

8-235. Possession of opened containers. In order that there may be no public consumption of beverages regulated hereby, and that such may not be consumed in automobiles or other conveyances, either public or private, it is hereby declared to be unlawful and a misdemeanor for any person to possess in any public place, or in any automobile or other conveyance upon the streets and alleys of the City of Sparta, any opened container of any such beverage. (1978 Code, § 2-236, as replaced by Ord. #11-857, May 2011)

8-236. Littering with alcoholic beverage containers unlawful. It shall be unlawful for any person to place or abandon, upon the public streets, parks or ways within the City of Sparta, or upon private properties immediately adjacent to and in clear view of any public park, street or way, any carton, can, bottle, cup or other container used for dispensing beverages regulated hereby. (1978 Code, § 2-237, as replaced by Ord. #11-857, May 2011)

8-237. Issuance and retention of permits. In order to protect the general welfare and morals of the citizens of the City of Sparta, Tennessee, permits issued hereunder shall only be issued to grocery stores, convenience markets, supermarkets, pharmacies, taverns and restaurants legitimately operated and properly licensed in accordance with any and all ordinances, statutes, laws and regulations of the City of Sparta, White County, the State of Tennessee, or the United States of America. In order to qualify for and to retain a license or permit for the sale of beer, grocery stores, convenience markets, supermarkets, and pharmacies must further meet the following criteria:

(1) Have and maintain an inventory in the minimum amount of three thousand five hundred dollars (\$3,500.00) at wholesale value, exclusive of tobacco, gasoline, and beer.

(2) Be operated at all times in a lawful manner, with no loitering, breaches of the peace, lewd or indecent behavior, altercations, carrying of weapons, other violations of any ordinance or statute, or public nuisances of any kind permitted on or about the premises.

(3) Meet at the time of the application and at all times thereafter all of the criteria set out in the application and the other ordinances of this section. (1978 Code, § 2-238, as replaced by Ord. #11-857, May 2011)

8-238. Confiscation and sale of unlicensed beer. Whenever any person shall be found in possession of more than one (1) case of beer without a license, the law enforcement officers of the city are hereby empowered to confiscate all of such beer in possession of such party except one (1) case, and within a reasonable time shall advertise such beer for sale by posted notice for a period of ten (10) days at the city hall. Such notice shall contain the amount of beer sold, the terms of the sale, the day and hour of the sale and the place of the sale. At the time so advertised in the posted notice, the city recorder shall auction such beer at the place and time set out in the notice, to be sold to the highest and best bidder. In no event shall such beer be sold to any party who does not possess the necessary permit and license. All money derived from such sale shall be placed in the general fund of the city, to be used as such moneys are used in the budget. (1978 Code, § 2-239, as replaced by Ord. #11-857, May 2011)

8-239. Allowing disorderly conduct. It shall be unlawful for the permittee hereunder, his agent or employee, to cause or allow on the premises any disorderly conduct. (1978 Code, § 2-240, as replaced by Ord. #11-857, May 2011)

8-240. Exception; on-premises consumption permit holders. Any holder of a permit allowing on-premises consumption of beer in the city limits shall be permitted to serve beer to a person without seeing identification provided in this chapter if in the discretion of a manager on the premises a

person wishing to purchase such beverages beyond a reasonable doubt is twenty-one (21) years of age or older. (as added by Ord. #11-857, May 2011)

8-241. Exception; persons sixty (60) years of age or greater. Any person showing state issued identification proving that their age is sixty (60) years of age or greater shall not be required to show a photo identification but instead shall be allowed to purchase beer based on the state issued identification which does not include a photograph. (as added by Ord. #11-857, May 2011)

8-242. Violation and penalty. Violation of any part of this chapter alone shall not subject a permit holder to revocation of his or her beer permit as issued by the City of Sparta. Penalties for violation of this chapter shall be as follows:

First offense: Written warning to permit holder and person who failed to require presentation of identification as set forth herein, if appropriate.

Second offense: Up to two thousand five hundred dollars (\$2,500.00) fine by beer board to permit holder and up to fifty dollar (\$50.00) fine in city court for person who failed to require presentation of identification as set forth herein, as appropriate.

Third offense: Discretion of beer board and city court as appropriate. (as added by Ord. #11-857, May 2011)

8-243. Special event/temporary beer permits. Special event/temporary beer permits must comply with all other regulations found in title 8, chapter 2 with the exception of §§8-209, 8-210(a)(b), 8-211. Special event/temporary beer permits are permissible in the City of Sparta with the following additional requirements:

(1) The beer board is authorized to issue special event/temporary beer permits to bona fide charitable, nonprofit or political organizations for special events. Also included are businesses which currently have on-premises beer permits within the City of Sparta and/or White County.

(2) The special event/temporary beer permit shall not be issued for longer than one (1) forty-eight (48) hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event/temporary beer permit shall state whether the applicant is a charitable, nonprofit or political organization or a business, include documents showing evidence of the type of organization or the business on-premises beer license, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.

(3) No more than two (2) permits will be issued for a single festival, celebration and event. If more than two (2) applications are received, preference will be given to one (1) charitable, nonprofit, or political organization and one (1) business.

(4) Permit applications must be submitted fifteen (15) days prior to the start of the event for which a permit is requested.

(5) For purposes of this section: Bona fide charitable or nonprofit or political organization means any organization which has been recognized as such as defined in Tennessee Code Annotated, § 57-4-102.

(6) No special event/temporary beer permit shall allow the sale, storage, dispensing, serving, distribution, or manufacture of beer on publicly owned or controlled property, except as may be specifically authorized by the city beer board from time to time.

(7) No entity possessing a special event/temporary beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law, or in the case of a beer manufacturer, shall only provide beer pursuant to state law regulating the sale or distribution of its products.

(8) Failure of the special event/temporary beer permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of Sparta will result in a denial of a special event beer permit for the sale of beer for a period of one (1) year.

(9) The following information must be submitted with an application for a special event/temporary beer permit:

(a) The organization or business applying for the special event/temporary beer permit, contact person, address and phone number.

(b) Date(s) and time(s) of event.

(c) The sponsors of the event and the sponsor's contact person's address and phone number.

(d) The specific location where beer is to be sold or served.

(e) The individual(s) with such organization responsible for supervising the sale and dispensing of the beer.

(f) Plans for security and policing the area(s) where beer is sold.

(g) If the events covered by the "special event/temporary beer permit" will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the special event application.

(10) Permit applications are valid only for on-premises consumption inside an enclosed and/or fenced area with restricted ingress/egress points.

(11) The applicant shall send a representative or representatives to such City of Sparta Beer Board meeting to address any questions or issues arising out of the proposed special event/temporary permit.

(12) If approved the special event/temporary beer permit shall have affixed on its face the name of the proposed vendor(s) of beer, the specific location(s) and date(s) where such vendor is permitted to sell beer under the special event permit. (as added by Ord. #16-897, July 2016 *Ch13_12-18-18*)

8-244. Events not subject to permit; notice required. Any event which is catered and the caterer has a valid TABC license to serve alcohol is not required to obtain a special event/temporary beer permit. For the safety and welfare of the citizens of Sparta, the city requires prior notice of each event which is catered and not required to obtain a permit. Event coordinators shall furnish to the city administrator a copy of the form submitted to the TABC no later than five (5) days prior to the event. (as added by Ord. #16-897, July 2016 *Ch13_12-18-18*)

CHAPTER 3**PACKAGE LIQUOR STORES AND
WINE SOLD AT RETAIL FOOD STORES****SECTION**

- 8-301. Definitions.
- 8-302. Selling and distributing generally.
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- 8-319. Restrictions on local liquor store privilege licenses and local retail food store wine privilege licenses.
- 8-320. Restrictions upon licensees and employees.
- 8-321. Nature of license; suspension or revocation.
- 8-322. Violations and penalty.

8-301. Definitions. Whenever used in this chapter the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Alcoholic beverages" 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 either of the latter has an alcoholic content of five percent (5%) by weight, or less.

(2) "Applicant" means the party applying for a certificate of good moral character or a license.

(3) "Application" means the form or forms an applicant is required to file in order to obtain a certificate of good moral character or license.

- (4) "Board" means the board of mayor and aldermen of the city.
- (5) "Bottle" means any container, vessel, bottle or other receptacle used for holding any alcoholic beverage. "Unsealed bottle" means a bottle with the original seal, cork, cap or other enclosing device either broken or removed, or on which the federal revenue strip stamp has been broken.
- (6) "Certificate of compliance" means the certificate provided for in Tennessee Code Annotated, title 57, chapter 3, in connection with the prescribed procedure for obtaining a state liquor retailer's license.
- (7) "City" means the City of Sparta, Tennessee.
- (8) "City recorder" means the city recorder of the city.
- (9) "Corporate limits" means the corporate limits of the city as the same now exist or may hereafter be changed.
- (10) "Distiller" means any person who owns, occupies, carries on, works, conducts or operates any distillery either by himself or by his agent.
- (11) "Distillery" means and includes any place or premises wherein any alcoholic beverage is manufactured for sale.
- (12) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.
- (13) "Inspection fee" means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross sales of a licensee.
- (14) "License" means a license issued by the state under the provisions of this chapter for the purpose of authorizing the holder thereof to engage in the business of selling alcoholic beverages at retail in the city.
- (15) "Licensee" means the holder of a license.
- (16) "Liquor store" means the building or the part of a building where a licensee conducts any of the business authorized by his license.
- (17) "Manufacturer" means and includes a distiller, vintner and rectifier of alcoholic beverage. "Manufacture" means and includes distilling, rectifying and operating any winery or any device for the production of alcoholic beverages.
- (18) "Person" shall mean and include an individual, partner, associate or corporation.
- (19) "Rectifier" means and includes any person who rectifies, purifies or refines any alcoholic beverage by any process other than as provided for on distillery premises, and also any person who, without rectifying, purifying or refining an alcoholic beverage, shall, by mixing an alcoholic beverage with any other material, thereby manufacture any imitation thereof, or who compounds an alcoholic beverage for sale under the name of: whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name.
- (20) "Retail sale" or "sale at retail" means a sale of alcoholic beverage to a consumer or to any person for any purpose other than for resale.
- (21) "Sale or sell" means and includes the exchange or barter of alcoholic beverage, and also any delivery made otherwise than gratuitously of

alcoholic beverage; the soliciting or receiving of an order for alcoholic beverage; the keeping, offering or exposing alcoholic beverage for sale.

(22) "State alcoholic beverage commission" means the Tennessee Alcoholic Beverage Commission, provision for which is made in the state statutes, including without limitation the provisions of Tennessee Code Annotated, title 57.

(23) "State rules and regulations" means all applicable rules and regulations of the State of Tennessee applicable to alcoholic beverages, as now in effect or as they may hereafter be changed, including without limitation the local option liquor rules and regulations of the state.

(24) "State statutes" means the statutes of the State of Tennessee now in effect or as they may hereafter be changed.

(25) "Vintner" means any person who owns, occupies, carries on, works, conducts or operates any winery, either by himself or by his agent.

(26) "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 also 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 unless designated as an artificial or imitation wine.

(27) "Winery" means and includes any place or premises wherein wine is manufactured or brandies are distilled as the by-product of wine or where cordials are compounded.

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

(29) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, title 57, chapter 3.

(30) "Words importing the masculine gender shall include the feminine and neuter, and the singular shall include the plural." (as added by Ord. #15-886, May 2015)

8-302. Selling and distributing generally. It shall be unlawful for any person to engage in the business of selling, possessing or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this chapter. 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. (as added by Ord. #15-886, May 2015)

8-303. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #15-886, May 2015)

8-304. Incorporation of state law. Tennessee Code Annotated, title 57, chapter 3 is hereby adopted so as to be applicable to all sales of alcoholic beverages conducted within the corporate limits of the City of Sparta. It is the intent of the board that Tennessee Code Annotated, title 57, chapter 3 shall be effective in Sparta, Tennessee the same as if said code sections were copied herein verbatim. (as added by Ord. #15-886, May 2015)

8-305. Licenses required for sale of alcoholic beverages at retail. It shall be lawful for an licensee to sell alcoholic beverages at retail in a liquor store or wine in a retail food store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter, and provided that such licensee has a valid and duly issued state liquor retailer's license or a state retail food store wine license and a valid and duly issued local liquor store privilege license or a local retail food store wine privilege license from the city permitting him or her to sell alcoholic beverages at retail. Transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited. (as added by Ord. #15-886, May 2015, as amended by Ord. #16-902, Dec. 2016 *Ch13_12-18-18*)

8-306. Licensee responsible for officers and agents. Each licensee shall be responsible for all acts of such licensee as well as the acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (as added by Ord. #15-886, May 2015)

8-307. Maximum number of licenses authorized. There shall be a limit of two (2) state or local liquor retailers' licenses issued and outstanding for the sale of alcoholic beverages at liquor stores within the City of Sparta. If there are more than two (2) approved applications, then the city will have a lottery drawing for the maximum of two (2) locations. In the event one (1) of the two (2) approved licensee terminates or has their license revoked as provided by law, then the city will hold a lottery drawing for the vacant permit, to be held ninety (90) days from the approval of the first application. (as added by Ord. #15-886, May 2015)

8-308. Location restrictions. Liquor stores may be operated and maintained on premises within the corporate limits, but only within the

following listed zones as defined in the zoning ordinance of the City of Sparta, Tennessee, as set out on the zoning map of the city, as in effect on the date of any application for a license hereunder:

A liquor store shall not be located adjacent to or within three hundred feet (300') of a public school, church or place of public gathering, as measured in a straight line from the center of the main entrance of the church or school building to the center of the main entrance of the licensee's place of business. For the purposes of this section, the terms "church" and "church building" shall not include any church building or building used for church purposes which is located on privately owned real property. "School" shall mean any primary or secondary public or private school building which is used exclusively for school purposes, and shall not include a vocational school or university.

To assure that these requirements are satisfied, no original or renewal certificate of compliance for an applicant for a license shall be issued for any location until a majority of the members of the board have approved the proposed location as being suitable for liquor store after a consideration of this matter at a meeting of the board. (as added by Ord. #15-886, May 2015, and replaced by Ord. #19-927, Aug. 2019 *Ch14_04-21-22*)

8-309. Limitations on building containing liquor store. All liquor stores shall be a permanent type of construction in a material and design approved by board. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. The minimum square footage of the liquor store display area shall be one thousand (1,000) square feet. All liquor stores shall be subject to applicable zoning, building, and city land development regulations unless specifically stated otherwise herein. (as added by Ord. #15-886, May 2015)

8-310. Restrictions generally. (1) Entertainment devices and seating forbidden. No form of entertainment, including pinball machines, music machines or similar devices, shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before 8:00 A.M. or after 11:00 P.M. No liquor store shall be open for business on Christmas, Thanksgiving, New Year's Day, Labor Day or the Fourth of July.

(3) Selling or furnishing to minors, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a minor below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who

are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a minor below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store.

(5) Advertising. It shall be unlawful for a licensee to advertise by signs, window displays, posters, or any other designs intended to advertise any alcoholic beverage within the corporate limits of the city, except by signs approved by the board not larger than four feet (4') by eight feet (8') in designating the premises as "_____ Package Store." Only two (2) such signs, and no other, shall be permitted, one (1) free standing and one (1) attached to the building. Nothing contained herein shall prohibit any manufacturer or wholesaler from advertising in news media.

(6) Off-premises business. All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted nor shall there be permitted drive-in windows. No licensee shall employ any canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (as added by Ord. #15-886, May 2015)

8-311. Fees. (1) Amounts generally. There is hereby levied on each licensee in the city an inspection fee in the amount of eight percent (8%), or the maximum amount allowed by Tennessee Code Annotated, § 57-3-501, of the wholesale price of all alcoholic beverages supplied during each calendar month by a wholesaler to each licensee in the city. It shall be unlawful for any wholesaler to supply, ship or otherwise deliver any alcoholic beverage to a licensee, and it shall be unlawful for any licensee to receive any alcoholic beverage, unless there shall be issued and delivered to the licensee by the wholesaler, concurrently with each such shipment or delivery, an invoice showing:

- (a) The date of the transaction;
- (b) The name and address of the wholesaler and of the licensee;
- (c) The brand name and quantity of alcoholic beverage covered by the invoice and

(d) The unit wholesale price and the gross wholesale price for each item listed thereon.

The wholesaler's invoice shall be issued and delivered to the licensee as hereinafter provided without regard to the terms of payment or on credit or partly for cash and partly for credit.

(2) Collection. The inspection fee, computed as hereinabove provided shall be collected by the wholesaler as provided for in Tennessee Code Annotated, § 57-3-502 and shall be paid to the city recorder on or before the 15th day of each calendar month for the preceding calendar month.

(3) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city administrator, be cause for suspension of the offending licensee's local liquor store privilege license for a much as thirty (30) days and, at the sole discretion of the board, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal, the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(4) Use of fees. All funds derived from inspection fees imposed herein shall be deposited into the general fund and used to defray expenses in connection with the enforcement of this chapter including, particularly, the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed. The board finds and declares that the amount of these inspection fees is reasonable and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes. (as added by Ord. #15-886, May 2015)

8-312. Records kept by licensee. In addition to any records specified in the state laws, rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

- (1) The original invoices of all alcoholic beverages bought by the licensee;
- (2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
- (3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and,

(4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved, and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one set of records per liquor store satisfies the requirements of this part. (as added by Ord. #15-886, May 2015)

8-313. Inspections generally. The city administrator, the city recorder, the chief of police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store or a retail food store at any time the store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license or local retail food store wine privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license or local retail food store wine privilege license of the offending licensee. (as added by Ord. #15-886, May 2015, and amended by Ord. #16-902, Dec. 2016 *Ch13_12-18-18*)

8-314. Certificate of compliance. As a condition precedent to the issuance of a state liquor retailer's license or a state retail food store wine license by the state alcoholic beverage commission, the board may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (as added by Ord. #15-886, May 2015, and amended by Ord. #16-902, Dec. 2016 *Ch13_12-18-18*)

8-315. Application. (1) Filing--content. An applicant for a liquor store shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the board or city administrator may require:

- (a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;
- (b) The name of the liquor store proposed;
- (c) The address of the liquor store proposed and the zoning designation;

(d) A statement that the persons receiving the requested license, to the best of their knowledge, if awarded the certificate of compliance, could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city; and

(e) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(2) Further documentation. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by eight (8) copies of a scale plan drawn to a scale of not less than one inch (1") equals twenty feet (20') giving the following information:

(a) The shape, size and location of the lot on which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;

(c) The off-street parking space and off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and,

(3) Signature. The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Deleted.

(5) Misrepresentation--concealment of fact--duty to amend. If any applicant or licensee misrepresents or conceals any material fact in any application form, or as to any other information required to be disclosed by this chapter, such applicant or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by board. A licensee shall not sell, assign, give, pledge, or otherwise transfer his license or any interest therein to any other person. No license shall be transferred from the licensee by operation of law through any proceedings in bankruptcy, insolvency, or receivership, or by execution, garnishment or other similar proceedings. No license shall be transferred from one location to another location without the prior written approval of the board.

(6) Fees. An applicant for a liquor store shall remit a non-refundable license fee of five hundred dollars (\$500.00), which is due at the time of application for a license. The annual license fees are set out in § 8-318(3). The

initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city recorder before any license shall issue. Each applicant, and each additional person listed on the application shall be accompanied by a non-refundable one hundred dollar (\$100.00) investigation fee. (as added by Ord. #15-886, May 2015, and amended by Ord. #16-902, Dec. 2016 *Ch13_12-18-18*, and Ord. #19-927, Aug. 2019 *Ch14_04-21-22*)

8-316. Consideration of application for certificate of compliance.

In issuing a certificate of compliance sufficient for the licensing of the liquor stores in the city permitted by this chapter, the board will consider all applications filed with it. The board will determine if the applicants have the qualifications required by state law. Applications and all matters submitted with or as a part of such applications become, at the time they are submitted, the sole and exclusive property of the city and constitute public records open to public inspection. (as added by Ord. #15-886, May 2015)

8-317. Restrictions upon issuance of certificate of compliance.

(1) No violation of chapter. No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(2) Time period for action. The certificate of compliance issued herein shall be valid for a period of six (6) months from the date of issuance and thereafter shall become void and of no effect whatsoever. If requested in writing by the applicant and approved by the city administrator, up to two (2) three (3) month extensions may be granted by the city administrator when necessary to avoid undue hardship on the applicant. In any event, the written request must be both received and approved prior to the expiration of the initial six (6) month period or prior to the expiration of the first three (3) month extension. In the event the store is not open within the period prescribed by this provision, then the certificate of compliance will be automatically void and of no further effect, the application will be deemed void and of no further effect and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the local liquor store privilege license issued pursuant to such application shall be considered canceled and revoked. (as added by Ord. #15-886, May 2015)

8-318. Local liquor store privilege license or local retail food store wine privilege license from city to operate liquor store or sell wine in a retail food store. (1) Local liquor store privilege license. After an applicant receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, title 57, chapter 3, he or she shall apply to the city recorder for a local liquor store privilege license to operate a retail

liquor store pursuant to the following terms, conditions and restrictions set out in §§ 8-319 and 8-320 hereof.

(2) Local retail food store wine privilege license. After an applicant receives a license from the State of Tennessee to sell wine in a retail food store pursuant to Tennessee Code Annotated, title 57, chapter 3, he or she shall apply to the city recorder for a local retail food store wine privilege license to sell wine in a retail food store pursuant to the following terms, conditions and restrictions set out in §§ 8-319 and 8-320 hereof.

(3) Fees. A license fee of two hundred dollars (\$200.00) for a local liquor store privilege license or a local retail food store wine privilege license is due annually, prior to January 1 of each calendar year, thereafter. The license fee shall be paid to the city recorder before any license shall issue. (as added by Ord. #15-886, May 2015, and amended by Ord. #16-902, Dec. 2016 *Ch13_12-18-18*)

8-319. Restrictions on local liquor store privilege licenses and local retail food store wine privilege licenses. (1) Term renewal. Each license shall expire on December 31st of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state laws, rules and regulations and the provisions of this chapter.

(2) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store or retail food store at all times when any activity or business authorized thereunder is being done by the licensee.

(3) Transfer. A licensee or co-licensee shall not sell, assign or transfer his license or any interest therein to any other person.

(4) Fees. All fees due are non-refundable. (as added by Ord. #15-886, May 2015, and amended by Ord. #16-902, Dec. 2016 *Ch13_12-18-18*)

8-320. Restrictions upon licensees and employees. (1) Initial qualifications. To be eligible to apply for or to receive a license, an applicant must satisfy all of the requirements of the state statutes and of the state laws, rules and regulations for the holder of a state liquor retailer's license or a state retail food store wine license.

(2) Restrictions. Restrictions upon licensees and employees shall be subject to the provisions of Tennessee Code Annotated, title 57, chapter 3.

(3) Interest in only one liquor store. A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this chapter in the City of Sparta. (as added by Ord. #15-886, May 2015, and amended by Ord. #16-902, Dec. 2016 *Ch13_12-18-18*)

8-321. Nature of license; suspension or revocation. The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or

revocation by the board for any violation of this chapter by the licensee or by any person whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the board suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this chapter by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city administrator may immediately suspend the license for a period not to exceed sixty (60) days and the board may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations. (as added by Ord. #15-886, May 2015)

8-322. Violations and penalty. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00). Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions Tennessee Code Annotated, chapter 3, title 57, and the rules and regulations of said commission. (as added by Ord. #15-886, May 2015)