

**TITLE 8**

**ALCOHOLIC BEVERAGES<sup>1</sup>**

**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1**

**INTOXICATING LIQUORS**

**SECTION**

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**8-101. Definitions.** Whenever used in this chapter, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverages" and "intoxicating liquor" means and includes alcohol, spirits, liquor, wine und every liquid containing alcohol, spirits, wine, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contains an alcoholic content of less than eight percent (8%) by weight.

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

(3) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

(4) "Person" means any natural person as well as any corporation, partnership, firm or association.

(5) "City commission" refers to the "Board of Aldermen of the City of Trenton."

(6) "City" means the City of Trenton, Tennessee.

(7) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.

(8) Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1983 Code, § 2-101, as amended by Ord. #309, Feb. 2017)

**8-102. Scope of chapter.** It shall be unlawful to store, transport, sell, give away, distribute, possess, and receive alcoholic beverages in the city unless provisions of this chapter and the law of the State of Tennessee and the State Rules and Regulations of the Alcoholic Beverage Commission have been complied with.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession, or receipt of or tax upon any beverage of alcoholic content of five (5) percent by weight or less, and no ordinance related thereto is modified by this chapter. (1983 Code, § 2-102)

**8-103. State laws to be complied with.** No person, firm, corporation, association, or partnership shall engage in retail liquor business unless all the necessary state licenses and permits have been obtained. (1983 Code, § 2-103)

**8-104. Restrictions on operators of retail liquor stores.** (1) No person, member of a firm, corporation, limited liability company or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointed or elected, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(2) Domicile. The owner or operator of a retail store for the sale of alcoholic beverages as herein defined shall meet one (1) of the following requirements:

(a) Domiciled in Gibson County, Tennessee; or

(b) Have been a qualified voter in a municipal election for the City of Trenton, Tennessee, for not less than one (1) year.

In the case of a corporation, limited liability company, firm, association or partnership, at least one of its officers, stockholders, members or partners must satisfy the requirements of this subsection.

(3) Citizenship. Any person who owns or is employed in the storage, sale, or distribution of alcoholic beverages shall meet the citizenship requirements of the State of Tennessee Alcoholic Beverage Commission.

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

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

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

(7) Disclosure of interest. It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, member, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in said business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the city recorder and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to make full disclosure whether he himself signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of said interest shall be upon both the seller and purchaser.

(8) Restrictions cumulative. The provisions of this section shall be in addition to any other restrictions or conditions which may appear elsewhere in the provisions of this chapter. (1983 Code, § 2-104, as replaced by Ord. #288, May 2014)

**8-105. Municipal license.** (1) Before any person shall engage in the sale of alcoholic beverages, a privilege license must be obtained from the city recorder and the fee for said license shall be \$250.00 per calendar year. The fee for a license issued on or after July 1 in any calendar year for the remainder of the year shall be \$125.00. All city license fees shall be paid to the city recorder and the city recorder shall not issue any receipt or accept the city license fee until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the city recorder the state retailers license issued to the applicant by the state alcoholic beverage commission or the city council.

(2) In addition to subsection (1), above, there shall be levied on the business a privilege license tax in accordance with the provisions of the "Business Tax Act" as enacted by the 87th General Assembly of Tennessee by Pub. Acts 1971, ch. 387, as amended. (1983 Code, § 2-105)

**8-106. Regulation of sales.** (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Sales on Sundays. No retailer shall sell or give away any alcoholic beverages between 11:00 P.M. on Saturday and 8:00 A.M. on the following Monday on each week.

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

(4) Sales on holidays. No retailer shall sell or give away any alcoholic beverages on the following holidays: Christmas and Thanksgiving, Labor Day, New Years Day and the Fourth of July. If Christmas, New Year's Day or the Fourth of July fall on Sunday liquor stores may open on the following Monday per decision rendered by State of Tennessee, Office of Attorney General dated June 24, 1982.

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

(6) Sales to persons intoxicated. No retailers shall sell or give away any alcoholic beverages to any person who is drunk, nor shall any retailer sell or give away any alcoholic beverages to any person accompanied by a person who is drunk.

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

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

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

(10) Consumption on the premises. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

(11) It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess or transport beer or other alcoholic beverages within the corporate limits of the City of Trenton, Tennessee.

(12) It shall be unlawful for any person to consume beer or other alcoholic beverages in any automobile within the corporate limits of the city. (1983 Code, § 2-106)

**8-107. Location restrictions.** It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Trenton unless said location of the liquor store shall be in either zone B-1, B-2, B-3, or B-4, as appears on the Official Zoning Map of the City of Trenton on the date of application. In no event will such store be allowed when it is two hundred and fifty (250) feet or nearer to the nearest property line of any church, school, public playground, or public library as measured in a straight-line from the nearest property line of said liquor store to the nearest property line of such church, school, public playground, or public library. No more than one (1) liquor store shall be located in the same city block with a church. A city block shall be the linear distance between adjacent intersections along the same street. (1983 Code, § 2-107)

**8-108. Retail store restrictions.** No retail store shall be located except on the ground floor and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two streets, such retail store may maintain a door opening on each of the public streets. Provided, however, that any salesroom adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby, so long as same shall be open to the public. In addition, to the fullest extent consistent with the nature of the establishment, full, free, and unobstructed vision shall be afforded from the street and public highway to the interior of the place of the sale or dispensing of alcoholic beverages there sold or dispensed. Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type of building. Said store shall have night lighting all around the outside of the premises, and shall be equipped with a burglar alarm system on the inside of the premises and shall be of a minimum size of 900 square feet. No retail store shall be permitted unless outside the main building but on the premises between the building and the main street adjacent to the premises there is sufficient space on a paved surface for the parking of at least five (5) automobiles, exclusive of parking spaces for employers and employees of the store, except in the central business district. All retail sales shall be confined to the premises of the licensee and no curb service shall be permitted nor shall there be permitted drive-in windows. (1983 Code, § 2-108)

**8-109. Inspection fees.** (1) Definitions. For the purposes of this section, the material words and phrases shall have the meanings respectively ascribed to them under Tennessee Code Annotated, § 57-3-101.

(2) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the City of Trenton, there is hereby levied and imposed upon each licensed retailer of alcoholic beverages as defined by Tennessee Code Annotated, § 57-3-101 located within the corporate limits of the City of Trenton an inspection fee at the rate of 8% of the wholesale price of alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesale price of the alcoholic beverage or wine sold by all such wholesalers and paid by all such retailers and shall be 8% of such wholesale price.

(3) Collection by wholesaler from retailer. The inspection fee shall be collected by the wholesaler from the retailer and after the passage of this chapter, pursuant to notice by the recorder of the City of Trenton. The inspection fee shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(4) Fees to be held until paid to city. Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City of Trenton as hereinafter provided.

(5) Monthly report - payment. Each wholesaler making sales to retailers located within the corporate limits of the City of Trenton shall furnish the City of Trenton a report monthly, which report shall contain the following:

- (a) The name and address of the retailer;
- (b) The wholesale price of the alcoholic beverages sold to such retailer;
- (c) The amount of tax due under this section; and
- (d) Such other information as may be required by the recorder

of the City of Trenton. The monthly report shall be furnished to the recorder of the City of Trenton not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Trenton shall be paid to the City of Trenton at the time the monthly report is made. Wholesalers collecting and remitting the inspection fee to the City of Trenton shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City of Trenton.

(6) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fee imposed hereunder shall be liable for a penalty of ten percent (10%) of the fee due the City of Trenton which shall be payable to the City of Trenton.

The City of Trenton shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(7) Disposition of fees. All monies collected pursuant to this section shall be deposited by the recorder in a separate, special account. (1983 Code, § 2-109)

**8-110. Content of application to city for certificate of good moral character.** Each applicant for a certificate of good moral character shall file an application for same on a form provided by the City of Trenton. Such application shall be accomplished by instructions thereon. A copy of each application form, questionnaire, partnership agreement or any other form or 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 fully and completely copied verbatim therein. The city attorney shall review the applications and notify the applicants, the city council and mayor of any errors or insufficiencies noted on the applications. The application form for a certificate of good moral character shall be signed and verified as to all owners, partners, stockholders, directors or otherwise and shall reflect the name of all persons having any financial interest in and to said proposed liquor store; and no sale, transfer or gift of any interest of any nature, either financial or otherwise, shall be made without first obtaining the written approval of the city council and the issuance of a certificate of good moral character to said proposed owner, stockholder, partner, director or otherwise. If at any time the applicable state statutes shall be changed so as to dispense with the requirement of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the city recorder. (1983 Code, § 2-110)

**8-111. Certificate of good moral character.** A certificate of good moral character shall be signed by a majority of the city council while in session and conditioned upon the applicant fulfilling the following requirements:

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

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

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

(4) An application for a certificate of good moral character must be submitted by all owners, partners, stockholders or directors of said store, whether same is a firm, partnership or corporation and the failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of good moral character and/or the revocation of the said certificate of good moral character. No application shall apply either individually or as a member of a partnership, now as a stockholder, officer or director on more than one application of a corporation.

(5) Each applicant at the time of filing an application for a certificate of good moral character, shall pay an application fee of twenty-five dollars (\$25.00) to partially defray the cost of investigation and processing of said application. (1983 Code, § 2-111)

**8-112. Restriction on number of stores.** There shall be no more than three (3) retail stores for the sale of alcoholic beverages as hereinabove defined. (1983 Code, § 2-112)

**8-113. Processing applications.** (1) All applications submitted in accordance with the Trenton Municipal Code shall be filed with the city recorder at least ten (10) days prior to a regular or special called meeting. The city council shall review the application and take appropriate action in accordance with the Trenton Municipal Code.

(2) Applications for renewal of licenses by the licensee will be processed in the same manner and under the same conditions as a new application.

(3) Applications for an employee's permit to serve as an employee in the place of business of a retail liquor store under the provision of Tennessee Code Annotated, § 57-3-204 shall submit the name of such employee to the Chief of Police of the City of Trenton. (1983 Code, § 2-113)

**8-114. Advertising.** There shall be no advertising of any kind whatsoever outside the building on the premises where alcoholic beverages are sold except as hereinafter set out. There may be placed on the building or premises a sign or signs, not exceeding two (2) in number, denoting the name of said liquor store. The name of said store shall not contain any word or words denoting the product or beverage to be sold by said store. No such sign shall contain letters of neon or electrical material or apparatus so as to produce lighting within the letters themselves, and said sign shall not have any type or form of blinking or flashing lights.

In no event shall such sign use the word or words intended to denote a type or brand of alcoholic beverage which might be obtained on the inside of the building on the premises. Except as set forth above there shall not be on the premises where said alcoholic beverages are sold any sign or advertisement of



any nature whatsoever intended to advertise or promote the sale of any alcoholic beverage within the corporate limits of the City of Trenton, Tennessee.

There shall be no illuminated signs of any nature in the interior of said liquor stores within three feet of the windows or front door of said liquor stores. In addition to the provisions of this chapter, all liquor stores must also comply with all other ordinances relative to the control of signs and other advertisements within specific areas of the corporate limits of the City of Trenton, Tennessee, as have been or may be hereafter adopted by the City of Trenton, Tennessee. (1983 Code, § 2-114)

**8-115. Public drinking and display prohibited.** It shall be unlawful for any person to drink any alcoholic beverages or physically and openly possess, display, exhibit, or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant or on any public street or sidewalk, or in any public park, playground, theater, stadium, school, or schoolground. (1983 Code, § 2-115)

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

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**8-201. Beer board established.** There is hereby established a beer board to be composed of all the members of the city council. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1983 Code, § 2-201)

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<sup>1</sup>State law reference

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

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings before each regular meeting of the city council at the city hall whenever there is business to come before the beer board. An adjourned or special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof to each board member and there is a reasonable and just cause for such an additional session, and proper public notice shall be given. Whenever there is an application for a tavern permit, at least ten (10) days notice of the time and place of the beer board meeting shall be given by at least one publication in a newspaper of general circulation in the city. (1983 Code, § 2-202)

**8-203. Record of beer board proceedings to be kept.** The city recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1983 Code, § 2-203)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1983 Code, § 2-204)

**8-205. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing, premise location and distributing of beer within the City of Trenton in accordance with the provisions of this chapter. (1983 Code, § 2-205, as amended by Ord. #199, Oct. 1997)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales and other malt liquors having an alcoholic content of not more than eight percent (8%) by weight. (1983 Code, § 2-206, as replaced by Ord. #309, Feb. 2017)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store, or distribute beer without first making application to and obtaining a permit from the beer board. In his application the applicant shall certify that he has read and is familiar with the provisions of this chapter.

The beer board shall consider, in chronological order, the applications for beer permits as they are filed. (1983 Code, § 2-207)

**8-208. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. Permit types will be as follows:

- (1) Tavern (for on-premise consumption);
- (2) Package for (off-premise consumption);
- (3) Restaurants for on-premise consumption with at least fifty percent (50%) of gross sales being food. (1983 Code, § 2-208, amended by Ord. #199, Oct. 1997, and replaced by Ord. #296, Nov. 2014)

**8-209. Limitations upon issuance of beer permits.** No permit shall be issued by the beer board:

- (1) In violation of any provisions of state law.
- (2) In violation of the zoning ordinance of the City of Trenton.
- (3) To any person who is not a citizen of the United States or to any syndicate or association unless all such members are citizens of the United States.
- (4) At any location where the sale of beer or other beverages will cause congestion of traffic, interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals. In no event shall such business be permitted within three hundred feet (300') of any church, school, public playground, or library, measuring the nearest point. (1983 Code, § 2-209, as amended by Ord. #199, Oct. 1997, Ord. #239, March 2003, and Ord. #297, Nov. 2014)

**8-210. Limitation on number of permits.** The number of permits for taverns as defined in § 8-208 shall be limited to nine (9). (Ord. #192, Feb. 1996, as replaced by Ord. #237, March 2003)

**8-211. Contents of application for permit; qualifications of applicant and employees; application fee.** (1) Before any permit is issued by the beer board, the applicant therefor shall file with the beer board a sworn petition in writing on forms prescribed by and furnished by the board and shall establish the following:

- (a) The location of the premises at which the business shall be conducted.
- (b) That no person will be employed in the storage or sale of such beverages except those who are citizens of the United States.
- (c) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

(d) That no sale of such beverages will be made except in accordance with the permit granted.

(e) That if the application is for a permit to sell "not for consumption on the premises," no sale will be made for consumption on the premises and that no consumption will be allowed on the premises.

(f) That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons hereto connected with the violation of liquor laws to loiter around the place of business. For purpose of this chapter minor is defined to mean a person under 21 years of age.

(g) The beer board may require the applicant to secure a certificate or a statement from the building inspector that the premises which the application covers meet the requirements of § 8-221 of this chapter.

(h) That the applicant will not allow any beer with an alcoholic content greater than such weight, volume, or alcoholic content as allowed by the laws of the State of Tennessee, to be consumed or sold on his premises.

(i) That neither the applicant nor any persons employed or to be employed by him in such distribution or sale of such beverage have ever been convicted of any violation of the law against prohibition, sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude within the past ten (10) years.

(j) That the applicant will conduct the business in person for himself or, if a manger is to run said business, manager will meet the same requirements as applicant. It will be applicants responsibility to file any change in management with the beer board. If the applicant is acting as agent, the applicant shall state the person, firm, or corporation, syndicate, association, or joint stock companies for whom and only for whom, the applicant intends to act.

(k) That no beer shall be sold from coin-operated dispensers.

(2) No wholesaler, or retailer, or any employee thereof, engaged in the physical storage, sale, or distribution of alcoholic beverages shall be a person under the age of eighteen (18) years and it shall be unlawful for any wholesaler or retailer to employ any person under eighteen (18) years of age for the physical storage, sale or distribution of alcoholic beverages, or to permit any such person under said age in its place of business to engage in the manufacture, storage, sale or distribution of alcoholic beverages.

(3) Each applicant at the time of filing an application for a permit as provided hereunder shall pay an application fee of five dollars (\$5.00), plus the expense for newspaper advertisement of public notice. No such application shall be considered until said fee and advertisement expense have been paid to the city recorder. The beer board shall have thirty (30) days after the filing of an

application with the city recorder in which to investigate the applicant and his premises. After the application has been approved, there will be a two hundred fifty dollar (\$250.00) permit fee that is non-refundable or transferable, applicable business license charges, plus an annual privilege tax of one hundred dollars (\$100.00) to be prorated for the first calendar year.

(4) Each license shall be issued to an individual to conduct the business at the location set forth and specified in said application. Any change in location of said business may be made only with the consent and permission of the beer board. A new application must be processed to cover the change in location and a recorder's fee of five dollars (\$5.00) will be charged. The board has the prerogative of waiving the nonrefundable deposit for change in location. (1983 Code, § 2-210, as amended by Ord. #199, Oct. 1997, modified, Ord. #238, March 2003, Ord. #272, April 2012, and Ord. #290, June 2014)

**8-212. Suspension, revocation, expiration, or renewal of permits.**

(1) All permits subject to suspension, revocation. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board for the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

(2) Authority of board. The board created by this chapter is vested with full and complete power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be revoked for the violation of the provisions of this chapter or the provisions of the state beer act.

(3) Complaints. 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.

(4) Notice to appear; contents; service. 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 the permittee either by registered letter or by a member of the police department of the city. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.

(5) Effect of board action. 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 for a period of time, depending on the seriousness of the infractions. As to minor infractions that period shall be

90-180 days; as to major infractions that period shall be 181-365 days. (1983 Code, § 2-211)

**8-213. Permits for hotels, clubs, lodges.** It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provisions of this chapter to hotels, clubs, or lodges, subject to the limitations and restrictions contained in the state law and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit required by this chapter. (1983 Code, § 2-212)

**8-214. All fees and taxes required to be paid.** Each applicant granted a permit to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, pay all proper city taxes and business fees. (1983 Code, § 2-213)

**8-215. Permit to be displayed.** The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1983 Code, § 2-214)

**8-216. Permits not transferable.** Permits issued under the provisions of this chapter are not transferable, either as to location or as to successor by purchase or otherwise, of the business for which the permits was issued, and in either case a new permit is required in the manner provided herein. (1983 Code, § 2-215)

**8-217. Certain activities by permittees prohibited.** It shall be unlawful and it is hereby declared to be a misdemeanor for any person engaged in the business regulated hereunder:

- (1) To make, or to permit to be made, any sales or distribution of such beverages to minors or to persons intoxicated;
- (2) To knowingly sell or distribute such beverages to persons who are feeble minded, insane, or otherwise mentally incapacitated;
- (3) To fail to provide proper sanitary facilities where such beverage is permitted to be consumed on-premises;
- (4) To permit minors or disorderly or intoxicated persons to loiter on the premises;
- (5) To permit any person to be employed on the premises in violation of any provision of this chapter;
- (6) To permit any employee of the license holder to dispense, serve, sell or give away alcoholic beverages which term means and includes alcohol, spirits, liquor and wine with an alcoholic content of more than five (5) percent by weight;

(7) To make purchases for resale from any source other than a local beer distributor. (1983 Code, § 2-216, modified)

**8-218. Sale authorized to permittees only.** It shall be unlawful for any wholesaler or distributor of beer, or any of their salesmen or representatives, to sell or deliver beer enroute, or from delivery vehicles, to any persons other than the holder of valid retail beer permits and it shall be the duty of such wholesaler, or distributor, their salesmen or representatives, to ascertain whether or not each purchaser is a holder of a valid retail beer permit. (1983 Code, § 2-217)

**8-219. Hours for furnishing and/or consuming on licensed premises.** (1) It shall be unlawful to sell or offer for sale any beer, ale, or other malt beverage in the municipality between the hours of 1:00 A.M. and 6:00 A.M. the following morning.

(2) It shall be unlawful for any person or persons to possess or consume any beer, ale or other malt beverages upon the premises of any business or establishment licensed to sell said beer, ale, or other malt beverages, except during the hours that beer, ale and other malt beverages may be lawfully sold by said business.

(3) It shall be unlawful for the owner or employee of any establishment licensed to sell beer, ale or other malt beverages to allow any person or persons except the owner or employees of said establishment to remain or be in said establishment except during those hours that said establishment may sell said beer, ale or other malt beverages. This subsection shall not apply to any establishment or business if more than seventy-five percent (75%) of its revenue is derived from the sale of food or other merchandise. It shall be the duty and responsibility of the owner or employee of said establishment to submit such proof as may be required by the city recorder to establish that the majority of the income from said business is derived from the sale of food or other merchandise for the issuance of the special permit to allow the operation of said business during the hours when said beer, ale or other malt beverages may not be legally sold. (1983 Code, § 2-218, as amended by Ord. #199, Oct. 1997)

**8-220. Sale on Sunday restricted.** (1) It shall be unlawful to sell or offer to sell beer, ale, or other malt beverages in the city for on-premise consumption between the hours of 1:00 A.M. Sunday morning and 6:00 A.M. on Monday morning of each week.

(2) It shall be unlawful to sell or offer to sell beer, ale or other malt beverages in the city for off-premise consumption between the hours of 1:00 A.M. Sunday morning to 12:00 noon on Sunday and between the hours of 6:00 P.M. Sunday to 6:00 A.M. Monday morning of each week; that is, it shall be lawful to sell or offer to sell beer, ale or other malt beverages in the city for



off-premise consumption between the hours of 12:00 noon on Sunday to 6:00 P.M. on Sunday of each week.

(3) Violation of this section shall subject the beer license holder to revocation proceedings, pursuant to proceedings set out in § 8-212 before the city council. At said proceedings, the following guidelines shall apply:

- (a) First offense: Thirty (30) days revocation of beer license.
- (b) Second offense: Three (3) months revocation of beer license.
- (c) Third offense: One (1) year revocation of beer license.

For good cause, council may deviate from the above guidelines. (1983 Code, § 2-219, as replaced by Ord. #263, June 2009)

**8-221. Sanitation requirements and standards for licensed premises; inspections; placement of signs.** (1) Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition, the requirements of which shall be the equivalent of that required for a rating of class "B" or better as established by the Tennessee state department of conservation, division of hotels and restaurant inspections.

(2) The city building inspector or any person appointed by the beer board is hereby authorized to enter the premises of a permittee, at all reasonable hours, for the making of such inspections as may be necessary.

(3) Any holder of a beer permit shall not advertise beer by signs or displays located on, attached to, or extending over the public sidewalks or public rights of way. (1983 Code, § 2-220)

**8-222. Unobstructed view into licensed premises required.** It shall be unlawful for any person to, in any way or manner, obstruct the vision of any glass window or door in any public building within the corporate limits of the city in which beer is sold, at a distance lower than thirty-six (36) inches from the bottom of such glass in the window or door. (1983 Code, § 2-221)

**8-223. Consumption in an automobile.** It shall be unlawful for any person to consume beer or other alcoholic beverage in any automobile within the corporate limits of the city. (1983 Code, § 2-222)

**8-224. Violation of chapter as grounds for suspension or revocation of permit.** Each day's violation of each or any provision of this chapter by any permit holder, or each sale made in violation of any provision of this chapter shall constitute a separate misdemeanor for which the permit issued hereunder may be suspended or revoked in addition to any fine imposed under the general penalty clause for this code. (1983 Code, § 2-223)