

**TITLE 8****ALCOHOLIC BEVERAGES<sup>1</sup>****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1****INTOXICATING LIQUORS****SECTION**

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**8-101. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57, chapter 3. (as added by Ord. #14-02, April 2014, and replaced by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-102. Application for certificate.**<sup>1</sup> Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any city aldermen,<sup>2</sup> a non-refundable application fee of two hundred fifty dollars (\$250.00) to City of Medina, along with an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age, and address of the applicant;
- (2) Time of residence in the city;
- (3) Occupation or business and length of time engaged in such occupation or business;
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction;
- (5) If employed, the name and address of employer;
- (6) If in business, the kind of business and location thereof;
- (7) The location of the proposed store for the sale of alcoholic beverages;
- (8) The name and address of the owner of the store;
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business, or employer. If the applicant is a corporation or company, the name, age, and address of the stockholders or

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<sup>1</sup>State law reference:

Tennessee Code Annotated, § 57-3-208.

<sup>2</sup>State law reference:

Tennessee Code Annotated, § 57-3-208 requires the certificate to be signed by the mayor or a majority of the governing body.

member and their degrees of ownership of stock or membership interest in the corporation or company; and

(10) Certain financial information pertinent to the applicant, partnership, corporation and partners or stockholders.

(11) Certification that applicant has read and understands all the state statues dealing with the licensing and operation of a retail liquor establishment and has read the city ordinance and can certify at the time of making application the applicant can comply with the regulations set forth in said ordinance.

The information in the application shall be verified by the oath of the applicant if the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-103. Residency requirement.** The application for a certificate of compliance shall been a citizen of the United States and a resident of the State of Tennessee. If the applicant is a partnership or corporation, each of the partners or stockholders must be a citizen of the United States and a resident of Tennessee. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-104. Application fees to be paid by applicant; penalty.** The application fee shall be payable by the person making application and no other person shall pay for any such fees. In addition to all other penalties provided for violations of this chapter, a violation of this section shall authorize and require the denial and/or revocation of any certificate issued pursuant to such application and forfeiture of the fee which was paid by another, and also the revocation of the certificate, if any, of the person so paying the application fee of another. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-105. Applicant to agree to comply with laws.** Prior to making application with the City of Medina, the applicant shall investigate and be satisfied that the applicant is in compliance with state and federal law, rules and regulations governing this issuance by those agencies of liquor licenses. The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-106. Applicant to appear before Board of Mayor and Aldermen; duty to give information.** An applicant for a certificate of compliance may be

required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-107. Action on application.** Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the board of mayor and aldermen within thirty (30) days of the date each application was filed. The board of mayor and aldermen may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-108. Bonds of licensees.** A licensee shall execute, with a surety company duly authorized and qualified to do business in the State of Tennessee, a bond to the City of Medina in the amount of two thousand five hundred dollars (\$2,500.00) which shall be conditioned that the principal thereof shall pay any fine, tax, or fee which may be owing or assessed against the principal. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-109. Applicants for certificate who have criminal record.** No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation or company, any stockholder or member), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage, or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-110. Limitation on number of establishment to be operated by retailer.** A holder of a retail license may only have an interest, directly or indirectly, in two (2) retail package stores. For the purposes of this restriction, any amount of interest must be taken into account. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest, or otherwise. This provision does not prevent a retailer from also holding a beer permit.

No retail licensee shall hold more than fifty percent (50%) of the licenses issued by the City of Medina. In addition, any retail licensee shall comply with

any Tennessee Statute with respect to the issuance of retail licenses and regulations of the Tennessee Alcohol Beverage Commission. (as added by Ord. #18-09, March 2019 **Ch7\_06-06-22**, and replaced by Ord. 19-06, Nov. 2019 **Ch7\_06-07-22**)

**8-111. Restrictions on license holders and their employees.** (1) No person shall be employed in the sale of alcoholic beverages except a citizen of the United States, and a resident of the State of Tennessee.

(2) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of twenty-one (21) years, and it shall be unlawful for any retailer to employ any person under twenty-one (21) 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 storage, sale or distribution of alcoholic beverages.

(3) Misrepresentation of a material fact or concealment of a material fact required to be shown in the application for a license, shall be a violation of this chapter. (as added by Ord. #18-09, March 2019 **Ch7\_06-06-22**, and replaced by Ord. 19-06, Nov. 2019 **Ch7\_06-07-22**)

**8-112. Where establishments may be located.** No retail package liquor store shall be allowed within two hundred feet (200') of any school, church, playground or park. The distance described herein shall be measured in a straight line from building to building. (as added by Ord. #18-09, March 2019 **Ch7\_06-06-22**, and replaced by Ord. 19-06, Nov. 2019 **Ch7\_06-07-22**)

**8-113. Retail stores to be on ground floor entrances.** No retail store shall be located anywhere on premises in the town except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

In addition, all liquor stores shall be a permanent type of construction. No liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the interior of the liquor store shall be nine hundred (900) square feet. Any signage on the store and any windows that are part of the store must comply the City of Medina's sign and window regulations, which are part of the City of Medina's Zoning Ordinance. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations, adopted by the city, unless specifically provided otherwise. (as added by Ord. #18-09, March 2019 **Ch7\_06-06-22**, and replaced by Ord. 19-06, Nov. 2019 **Ch7\_06-07-22**)

**8-114. Retailers not to solicit orders.** No holder of a license issued shall employ any canvasser or solicitor for the purposes of receiving an order from a consumer for any alcoholic beverages at the residence or places of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-115. Wholesale business prohibited.** No person, firm, or corporation shall engage in the business of selling alcoholic beverages at wholesale within the corporate limits, except to a retailer as described herein. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-116. Limitation on the number of retailers.** There is no limitation on the number of licenses for the sale of alcoholic beverages under this chapter. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-117. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption, or shall be conswned, on the premises of the retail seller, except as provided by Tennessee Code Annotated, title 57, chapter 3. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-118. Amusement devices and seating facilities prohibited in retail establishments.** No pinball machines, slot machines, or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. One (1) radio and/or one ( 1) television shall be permitted in the establishment. However, the radio or television cannot be broadcast outside of the building or into the parking lot. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-119. Regulation of retail sales.** (1) No retailer shall sell alcoholic beverages to a person known to be a minor.

(2) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(3) No retailer as herein defined shall own, store, or possess upon the licensed premises any unstamped merchandise required by the laws of Tennessee to have affixed thereto revenue stamps of said state. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-120. Loitering prohibited.** No retailer shall allow anyone to loiter about their premises during hours in which they are open to the public. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-121. Sales to persons intoxicated, etc.** No retailer shall sell any alcoholic beverages to any person who is under the influence of any alcohol and/or drugs, nor to any person who is accompanied by a person who is under the influence. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-122. Persons under the age of twenty-one prohibited unless accompanied by parent or legal guardian.** No person under the age of twenty-one (21) is allowed on the premises of a retail liquor store including the building and parking lot unless they are accompanied by a parent or legal guardian. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-123. Transfer of licenses.** No sale, lease, assignment, transfer, or gift of any interest of any nature, either financial or otherwise, in any store or license of any licensee shall be made without first obtaining the written approval of the board and the issuance of a certificate to a proposed new owner, stockholder, member, partner, director, or otherwise. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-124. Inspection fee.** (1) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the city, there is levied and imposed upon each retailer an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on of the wholesale price of alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesaler's,price of the alcoholic beverages sold by all such wholesalers and paid by all such retailers and shall in the maximum amount allowed by Tennessee Code Annotated, § 57-3-50 1 on of such wholesale price.

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

(3) 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 as hereinafter provided.

(4) Monthly report and payment. Each wholesaler making sales to retailers located within the city shall furnish to the city a report monthly and which report shall contain the following:

- (a) The name and address of the retailer;
- (b) The gross wholesale price of the alcoholic beverages sold to such retailer; and
- (c) The amount of tax due under this section.

(5) Due date of wholesaler's reports and payment. The monthly report shall be furnished to the city recorder not later than the twentieth (20th) day of the month following which the sales were made and the inspection fees collected by the wholesaler from the retailers shall be paid to the city at the time the monthly report is made.

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

(7) Audit of wholesalers' records. The city may audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(8) Disposition of fees. The city recorder shall turn over to the city any and all monies collected pursuant to this section and the recorder shall deposit said monies in the general fund of the city. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-125. Provision of list of wholesalers.** Each licensee shall report of its list of wholesalers that it makes purchases from upon the issuance of the certificate and on a quarterly basis thereafter to the city recorder. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-126. Failure of a licensee to pay inspection fees, etc.** Whenever any licensee fails to account for or pay over to the city any tax, fine, or inspection fee, fails to provide a list of its wholesalers, or defaults in any of the conditions of his bond, the city recorder shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such defaults in payments and for the revocation of any certificate issued to such person under this chapter. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-127. Effects of violation of liquor laws, rules or regulations.**

(1) In case of any conviction occurring after a certificate has been issued hereunder, the certificate shall immediately be revoked, if such convict shall be an individual, and, if not, the partnership, corporation, association, or LLC, with which he is connected shall immediately discharge him, and failure to do so shall result in the immediate revocation of its certificate. Violation of any liquor laws, rules or regulations, shall also result in the immediate revocation of its certificate.



(2) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who within ten (10) years prior to the date of his employment shall have been convicted of any such violations as provided in subsection (1) above and in case an employee should be so convicted, he shall be immediately discharged. Failure of a retailer to immediately discharge such employee shall be cause for revocation of the certificate of such retailer. Violation of any liquor laws, rules, or regulations, shall also result in the immediate revocation of its certificate.

(3) The retailer and its employees are obligated to contact law enforcement in a reasonable timely manner if any criminal acts are committed upon its premises. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-128. Revocation or refusal of retailer to permit examination of books, records, etc.** The city is authorized to examine the books, papers, and records of any retailer or applicant for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any such books, papers, and records, or the investigation and examination of such premises shall constitute sufficient reason for the revocation of any certificate issued to such retailer or the refusal to issue a certificate of any applicant. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-129. New certificate after revocation.** Where a certificate is revoked, no new certificate shall be issued on the same premises of such retailer before the expiration of one (1) year from the date said revocation becomes final and effective. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

**8-130. Violations.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the city from exercising any criminal or civil remedies that it may have with respect to violations of this ordinance. Any person who shall violate any provision of this chapter shall be punishable by a fine of fifty dollars (\$50.00) for each such violation and in the case of a retailer shall, in the discretion of the board, be the cause for revocation of the certificate issued to such retailer. (as added by Ord. #18-09, March 2019 *Ch7\_06-06-22*, and replaced by Ord. 19-06, Nov. 2019 *Ch7\_06-07-22*)

## CHAPTER 2

### BEER

#### SECTION

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**8-201. "Beer" defined.** The term "beer" as used in this chapter shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101. (Ord. #95-02, June 1995, as replaced by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #17-02, March 2017, Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-202. Beer board established.** There is hereby established a beer board to be composed of all the members of the City of Medina Board of Mayor and Aldermen. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. The beer board shall make all future rules and regulations to provide for the issuance of licenses for

the sale, storage, distribution for sale, and manufacture of beer within the corporate limits. (Ord. #94-01, Oct. 1994, as replaced by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #17-02, March 2017, Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-203. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the Medina City Hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting of the beer board may be called by its chairman provided he/she gives a reasonable notice thereof. The board may adjourn a meeting at any time to another time and place. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #17-02, March 2017, Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-204. Record of proceedings to be kept.** The city recorder shall make a separate 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:

- (1) The date and time of each meeting;
- (2) The names of the board members present and absent;
- (3) The names of the members introducing and seconding motions and resolutions, etc., before the board;
- (4) A copy of each such motion or resolution presented;
- (5) The vote of each member thereon; and
- (6) The provision of each beer permit issued by the board.

The recorder shall also maintain an up to date list of the names and addresses of all beer permit holders. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-205. Requirement 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. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-206. Powers and duties of the beer board.** The board shall have the power, and it is hereby directed, to regulate the selling, distributing, or manufacturing of beer and the storing and distributing for sale within the City of Medina in accordance with the provisions of this chapter. (as added by

Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person, group of persons, business, or corporation, to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of twenty dollars (\$20.00). Said fee shall be payable to the City of Medina. Each applicant must be a person of good moral character and certify that she/he has read and is familiar with the provisions of this chapter. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-208. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, or manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his/her permit. It shall likewise be unlawful for any permit holder to fail to comply with any and all express restrictions or conditions which may be written into his/her permit by the beer board. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

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

- (1) In violation of any provision of state law.
- (2) In violation of the Medina Zoning Ordinance.
- (3) To any alien determined to be in the United States illegally.
- (4) At any location within two hundred feet (200') of any operating elementary, middle, or high school or operating church, as measured by the shortest straight line which can be drawn between the structures.

(a) This provision does not apply to a location that is located in a B-2 (Central Business) District.

(b) Operating elementary, middle or high school is defined as an institution, including kindergarten, where regular classes are conducted under the supervision of a teacher or instructor where specialized subjects are taught to persons under eighteen (18) years of age on a daily basis.

(c) Operating church is defined as a church that meets on at least a weekly basis and whose property is exempt from taxation by the property assessor.

(d) The subsequent location of an operating school or operating church nearer to the location than the prescribed distances shall not, in and of itself, cause the permit to be revoked as long as the location remains at the same location.

(5) At any location within two hundred feet (200') of playground or park, as measured by the shortest straight line which can be drawn between the structure for a playground or entrance for a park.

(a) This provision does not apply to a location that is located in a B-2 (Central Business) District.

(b) Playground and park means a place or property either owned or maintained by the city or by a governmental entity where persons regularly gather for recreational purposes or as spectators.

(c) The subsequent location of an playground or park nearer to the location than the prescribed distances shall not, in and of itself, cause the permit to be revoked as long as the location remains at the same location.

(6) For any temporary business or activity.

(7) The provision of this section may be waived if the applicant can show reasonable cause for the waiver to be granted. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-210. On-premises consumption permits.** An on-premises consumption permit shall be issued to those businesses which have been approved by the beer board to sell beer to be consumed on the premises of such business. To qualify for an on-premises consumption permit, the establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- (1) Be primarily a restaurant or an eating place; and
- (2) Have operable cleanly maintained commercial cooking equipment on the premises; and
- (3) Be able to seat a minimum of forty ( 40) people, including children, in booths and at tables, in addition to any other seating it may have; and
- (4) Have all seating in the interior of the building under a permanent roof; and
- (5) Have been in continual operation for a period of at least six (6) months; and
- (6) Be kept and maintained in a safe, clean, and sanitary condition as required for a rating of class "B" or better as established by the Tennessee Department of Conservation, Division of Hotels, and Restaurant Inspection; and

(7) The monthly beer sales of any establishment which holds an on-premises consumption license shall not exceed twenty-five percent (25%) of the gross sales of the establishment. Any such establishment which for two (2) or more months in any consecutive twelve (12) month period has beer sales exceeding twenty-five percent (25%) of its gross sales, shall have its beer permit revoked. All holders of on-premise beer consumption licenses shall, as a condition of issuance of said permit, make available to the City of Medina a copy of the business's monthly financial records within thirty (30) calendar days of such demand by the City of Medina. Said monthly financial records shall, as a minimum, include the following information:

- (a) The name and address of the business;
- (b) The name(s) of the principal owners of the business;
- (c) The month and year of the financial data;
- (d) The gross sales of the business for the month, defined as the revenue derived from the sale of all consumables at the permitted location;
- (e) The gross revenue derived from all beer sales during the month;
- (f) A certified statement, signed by the business's accountant or bookkeeper attesting to the accuracy of the financial information provided to the city. The City of Medina shall have the authority to demand such financial information or any calendar month within a thirty-six (36) month period of the date of such demand. The failure to submit such financial information to the Medina City Recorder within ten (10) calendar days of such demand shall be grounds for suspension or revocation of the permit holder's on-premise beer license; and
- (g) Each premise is required to have a telephone on the premises to the end that both customers and the owners and managers shall have quick access to the police. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-211. Off-premise permit.** An off-premise beer permit shall be issued to those businesses which have been approved to sell beer for consumption off the premises of the said business. To qualify for an off-premise permit, an establishment must, in addition to meeting the other regulations and restrictions of this chapter:

- (1) Be a grocery store or a convenience type market; and
- (2) In either case, be primarily engaged in the sale of grocery, personal, and home care and cleaning articles, but also may sell gasoline; and
- (3) All such retail establishments shall have a telephone on the premises to the end that both customers and the owners and managers shall have quick access to the police. (as added by Ord. #06-03, May 2006,

renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-212. Limitations on number of permits.** The beer board shall limit the number of beer permits issued in the City of Medina as follows:

- (1) On-premises permits: unlimited.
- (2) Off-premises permits: unlimited.

No single business, operating at a single location, shall qualify to hold both an on-premise and off-premise permit. There shall be no limit on the number of permits issued for the storage, distribution, or manufacture of beer. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-213. Application process.** All applications for a beer license shall be on forms developed and provided by the Medina City Recorder for such purpose. Each applicant shall pay, at the time of filing, a fee of twenty dollars (\$20.00). Following submission of a properly completed application form, the beer board, or its designee, shall have thirty (30) days in which to investigate the applicant and his/her premises and to take action on the application. After the permit has been approved, the applicant shall be assessed a two hundred fifty dollar (\$250.00) non-refundable, non-transferrable permit fee, applicable business license charges, plus an annual privilege tax of one hundred (\$100.00) for the calendar year or any portion thereof, payable by January 1 of each year. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-214. Investigation of applicant, agent, and/or employees.** Applicants, as well as their agents and employees, for retail permits under this section are subject to be investigated by municipal, county and state. The applicant must submit such information and records as the beer board may require as to the applicant, agents, and employees. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-215. Death of a permit holder.** In the event of the death of a beer permit holder, the establishment shall not be allowed to sell beer, but his successors shall be given thirty (30) days to make formal application and have first option on the available license. (as added by Ord. #06-03, May 2006, replaced by Ord. #09-04, May 2009, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 **Ch7\_06-06-22**, and Ord. #20-07, July 2020 **Ch7\_06-06-22**)

**8-216. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with the operation of schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, morals, or welfare. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-217. Issuance of permits to person convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the illegal possession, sale, manufacture or transportation of intoxicating liquor, or any crime involving moral turpitude, within the ten (10) year period preceding the date of application for a beer permit. (as added by Ord. #06-03, May 2006, renumbered and replaced by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-218. Status of license pending charges.** Any person charged with a criminal offense involving the sale of alcohol or drugs or the violation of state law with reference to alcohol or drugs or any crime involving moral turpitude may have his or her license suspended pending the outcome of those charges. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-219. Prohibited conduct or activities by beer permit holders.**  
It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the illegal possession, sale, manufacture, or transportation of intoxicating liquor, or a crime involving moral turpitude within ten (10) years of such person's employment with the permittee. The provision of this section may be waived if the applicant/permit holder can show reasonable cause for the waiver to be granted.

(2) To employ anyone under the age of eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.

(3) For any holder of an on-premise permit to make or allow any sale of beer on Sundays, except between the hours of 12:00 noon and 10:00 P.M. For any holder of an off-premise permit to make or allow any sale of beer on Sundays, except between the hours of 12:00 noon and 10:00 P.M.

(4) For any holder of an on-premise permit to make or allow any sale of beer between the hours of 11:00 P.M. and 11:00 A.M. during any night of the week; or for any holder of an off-premise permit to make or allow any sale of beer between the hours of 12:00 midnight and 6:00 A.M.

(5) Allow any loud, unusual, or obnoxious noises to emanate from the permittee's premises.



- (6) Make or allow any sale of beer to any person under twenty-one (21) years of age.
- (7) Make or allow any sale of beer to any intoxicated person.
- (8) Allow intoxicated or disruptive persons to loiter about the permittee's premises.
- (9) Serve, sell, or allow the consumption on the permittee's premises of any alcoholic beverage with an alcoholic content greater than that defined by Tennessee Code Annotated, § 57-5-101.
- (10) Allow gambling on the permittee's premises.
- (11) Allow pool or billiard playing, dancing, or the provision of services by a dee-jay in the same room where beer is sold and/or consumed.
- (12) For the holder of an on-premise permit to fail to provide and maintain separate sanitary toilet facilities for men and women.
- (13) Allow the use of a drive up window from which beer is sold or delivered to patrons. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-220. Suspension and revocation of beer permits--civil penalty.**

(1) 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; any provisions of this chapter; or any false representations made in the application. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board, and the beer board 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 suspended or revoked.

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 the provisions of the state beer act or any of the provisions of this chapter, the board is authorized 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 of Medina. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.

At the hearing, the board shall publicly hear the evidence both in support of the charges 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 to review by the courts as provided in the state beer act.

When a permit is revoked, no new permit shall be issued hereunder for the sale of beer to the same person until the expiration of one (1) year from the date said revocation becomes final.

(2) The beer board, pursuant to Tennessee Code Annotated, § 57-5-108(a), shall not revoke or suspend the permit of a responsible vendor for a clerk's illegal sale of beer to a minor, if the permit or license holder and the clerk making the sale have complied with the requirements of § 57-5-606 as a responsible vendor, but may impose on the 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.

The prohibition of § 57-5-108(a) concerning the revocation or suspension of the vendor's permit shall not apply to any vendor who is not a responsible vendor under § 57-5-606, or to a participating vendor, if the vendor or clerk making a sale to a minor fails to comply with the requirements of § 57-5-606. With respect to such permit or license holder the board may, at the time it imposes a revocation or suspension, offer the permit or license holder 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. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-221. On-premise signage.** No sign, advertisement or display that advertises beer may be erected or maintained on the exterior of any property, including in windows visible to the exterior, where an on-premise beer permit has been issued. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-222. Permit to be displayed.** The permits required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-223. Minor, fraudulent evidence of age, etc., misdemeanor.** It shall be unlawful for any minor to purchase, attempt to purchase or possess any such beverages covered under this chapter or for anyone to purchase such beverages for a minor. It shall be unlawful for any minor present to offer to any permittee, his agent or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchases or attempting to purchase such beverages. Any minor who acts in violation of any one (1) or more provisions of this section shall be taken before the juvenile judge for appropriate disposition. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-224. Ruling of beer board.** The ruling of the beer board on such matters shall be final except as same is subject to review at law under Tennessee Code Annotated, § 57-5-108. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)

**8-225. Penalty.** Any permittee, licensee, employee, agent, or person violating these sections shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each violation. (as added by Ord. #14-02, April 2014, and replaced by Ord. #19-01, May 2019 *Ch7\_06-06-22*, and Ord. #20-07, July 2020 *Ch7\_06-06-22*)