

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. DELETED.

CHAPTER 1**INTOXICATING LIQUORS**²**SECTION**

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¹Municipal code reference

Minors in beer places, etc.: title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

²State law reference

Employee and server permits: Tennessee Code Annotated, § 57-3-701, et seq.

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8-101. Definitions. Whenever used in this title, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Alcoholic beverage." Alcoholic beverage means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as defined in § 57-5-101. Notwithstanding any provision to the contrary in this title, except for beer as defined in § 57-5-101(b), "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content. Liquid products intended for beverage purposes containing alcohol that do not meet the definition of beer under § 57-5-101(b) shall also be alcoholic beverages. Notwithstanding this subdivision, products or beverages containing less than one-half of one percent (0.5%) alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages, and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(2) "Applicant." A person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(3) "Applicant group." More than one (1) person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(4) "Application." The form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

(5) "Certificate of compliance." The certificate required in Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(6) "Co-licensees." Persons who together hold a single local liquor store privilege license for a single liquor store.

(7) "Federal statutes." The statutes of the United States now in effect or as they may hereafter be changed.

(8) "Inspection fee." The monthly fee a licensee is required by this chapter to pay, the amount of which is eight percent (8%) of the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event of co-licensees holding a local liquor store privilege license for a single liquor store such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(9) "License fee." The annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one (1) license fee is required.

(10) "Licensee." The holder or holders of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(11) "Liquor store." The building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(12) "Local liquor store privilege license." A local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city.

(13) "Manufactured." A structure, transportable in one (1) or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permitting foundation.

(14) "Person." Person means any natural person as well as any corporation, limited liability company, partnership firm or association or any other legal entity recognized by the laws of the State of Tennessee.

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

(16) "State law, rules and regulations." All applicable laws, 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 Tennessee Alcoholic Beverage Commission.

(17) "State liquor retailer's license." A license issued by the alcoholic beverage commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201 et seq. permitting its holder to sell alcoholic beverages at retail in Tennessee.

(18) "Town." The town is the Town of Tazewell, Tennessee.

(19) "Wholesaler." Wholesaler means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(20) "Wine." Wine means the produce of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climactic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. (1969 Code, § 2-101, as replaced by Ord. #292, April 2015, Ord. #309, Jan. 2017, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-102. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-103. Application for certificate.¹ 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 aldermen², 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) Occupation or business and length of time engaged in such occupation or business.
- (3) Whether or not the applicant has been convicted of a felony in the past ten (10) years
- (4) If employed, the name and address of employer.
- (5) If in business, the kind of business and location thereof
- (6) The location of the proposed store for the sale of alcoholic beverages.
- (7) The name and address of the owner of the store.
- (8) 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

¹State law reference

Tennessee Code Annotated, § 57-3-208.

²State law reference

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

corporation, LLC, etc., the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

(9) No retailer's license shall be issued to a person who is an elected official of the Town of Tazewell or a person who has held an elected office with the Town of Tazewell within two (2) years of the date of application.

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

Each application shall be accompanied by a non-refundable two thousand five hundred-dollar (\$2,500.00) application and investigation fee. Each application shall further be accompanied by a non-refundable background check fee of the actual cost for each person/owner designated in said application. Original application shall be accompanied by eight (8) copies of said original application. (as added by Ord. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-104. Applicant to agree to comply with laws. The applicant for a certificate of compliance must renew every two (2) years with an annual privilege tax payable to the city recorder in the amount of one thousand five hundred dollars (\$1,500.00) and agrees 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. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-105. 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. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-106. 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. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-107. 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, any stockholder), 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. #292, April 2015, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-108. Number of retail licenses to be held by retailer. No retail licensee shall, directly or indirectly, hold more than two (2) retail licenses. In no event shall a retail licensee, directly or indirectly, hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-109. Where establishments may be located., (1) It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the town except at locations within a C1, C2, or C3 zones. There will only be a maximum of two (2) retail liquor stores allowed within the Town of Tazewell city limits and cannot be owned by the same person.

(2) Such liquor store shall not be located within three hundred feet (300') of any church or school or one hundred feet (100') of any residential structure as measured along a straight line from the nearest property line of any such establishment to the front door of the liquor store. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health and safety. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-110. 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. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-111. Limitation on number of retailers.¹ No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-112. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption on the premises of the retail seller. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-113. Radios, amusement de vices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-114. Inspection fee. (1) The Town of Tazewell hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 of eight (8%) on all licensed retailers of alcoholic beverages located within the corporate limits of the city.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. Payment of 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 (1) set of records per liquor store satisfies the requirements of this part.

(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 manager, because for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of the city council, because for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof the licensee, no hearing with respect to such an offense being required. If a licensee has his or her 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

¹State law reference

Tennessee Code Annotated, § 57-3-208(c).

penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-115. 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 Tazewell, Tennessee. It is the intent of the board of mayor and alderman that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the Town of Tazewell, the same as if said code sections were copied herein verbatim. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-116. 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 Town of Tazewell to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Tazewell of alcoholic beverages for consumption on the premises where sold. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-117. 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 Town of Tazewell shall remit annually to the city recorder the appropriate tax described in § 8-116. 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. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-118. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the Town of Tazewell, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of § 8-211(2) of the ordinances of the Town of Tazewell qualify to receive a beer permit from the city upon compliance of all Town of Tazewell beer permit requirements. An application must be completed

and application fees paid for each liquor and beer permit being requested. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-119. 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. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-120. 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 town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-121. Licensee responsible for officers and agents. Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-122. Limitations on building containing liquor store. All liquor stores shall be a permanent type of construction in a material and design approved by city council. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand five hundred (1,500) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building, life safety and fire code regulations, as adopted within the Town of Tazewell Code, unless specifically stated otherwise herein. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-123. Inspections generally. The city manager, 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 record of any liquor store at any of them at time the liquor 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 of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-124. Enforcement - violations - penalties. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of two thousand five hundred dollars (\$2,500.00). 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 of chapter 3 of title 57 of the Tennessee Code Annotated, and the rules and regulations of said commission. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-125.--8-126. Deleted. (as added by Ord. #325, June 2019 *Ch9_08-11-20*, and deleted by Ord. #328, Feb. 2020 *Ch9_08-11-20*)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-212. Revocation or suspension of beer permits.
- 8-213. Civil penalty in lieu of revocation or suspension.
- 8-214. Loss of clerk's certification for sale to minor.
- 8-215. Violations.
- 8-216.--8-217. Deleted.
- 8-218.--8-222. Deleted.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board. (1969 Code, § 2-201, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

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 in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1969 Code, § 2-202, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

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).

8-203. Record of beer board proceedings to be kept. The 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; names of the board members present and absent; names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #165, Oct. 1993, as replaced by Ord. #201, May 2001, Ord. #222, Aug. 2006, and Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

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. (1969 Code, § 2-204, as replaced by Ord. #201, May 2001, amended by Ord. #261, Nov. 2010, Ord. #263, June 2011, replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

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 for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1969 Code, § 2-205, as replaced by Ord. #201, May 2001, amended by Ord. #281, Aug. 2013, and replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-206. "Beer" defined. "Alcoholic beverage." Alcoholic beverage means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as defined in § 57-5-101. Notwithstanding any provision to the contrary in this title, except for beer as defined in § 57-5-101(b), "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content. Liquid products intended for beverage purposes containing alcohol that do not meet the definition of beer under § 57-5-101(b) shall also be alcoholic beverages. Notwithstanding this subdivision, products or beverages containing less than one-half of one percent (0.5%) alcohol by volume, other than wine as defined in this section, shall not be considered to be alcoholic beverages, and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided. (Ord. #165, Oct 1993, as

replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), 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 Town of Tazewell. (1969 Code, § 2-207, as amended by Ord. #235, Oct. 2007, and replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a 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 each successive January 1 to the Town of Tazewell, 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. (1969 Code, § 2-208, as replaced by Ord. #292, April 2015, and amended by Ord. #309, Jan. 2017, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-209. 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, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off-premise consumption. A single permit may be issued for on-premise and off-premise consumption. 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 in his permit. (1969 Code, § 2-209, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-210. 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 schools, residences, or churches, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred feet

(300') of any school or church and one hundred feet (100') of any residential structure. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, residence, or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. Any establishment that obtains an on-premise license for the sale/consumption of wine and alcoholic beverages pursuant to Tennessee Code Annotated, title 57, shall be exempt from the distance requirements set forth above. (Ord. #165, Oct. 1993, as amended by Ord. #235, Oct. 2007, replaced by Ord. #292, April 2015, amended by Ord. #309, Jan. 2017, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-211. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(2) As the Town of Tazewell, Tennessee has passed a referendum approving the sale of liquor by the drink within the corporate limits of the Town of Tazewell, the hours and operation for the sale of beer shall be set and governed pursuant to the rules and regulations set forth by the Tennessee Alcoholic Beverage Commission.

(3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

(4) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(5) Allow drunk persons to loiter about his premises.

(6) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1969 Code, § 2-211, as replaced by Ord. #292, April 2015, amended by Ord. #302, Aug. 2015, and Ord. #309, Jan. 2017, and replaced by Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-212. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. 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-month period. The revocation shall be for three (3) years. (1969 Code, § 2-212, as replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-213. Civil penalty in lieu of revocation or suspension.

(1) 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.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a 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. 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. (1969 Code, § 2-213, as replaced by Ord. #201, May 2001, and Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-214. 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. (1969 Code, § 2-214, as replaced by Ord. #201, May 2001, and Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-215. Violations. Except as provided in § 8-215, 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. Each day a violation shall be allowed to continue shall constitute a separate offense. (1969 Code, § 2-215, as deleted by Ord. #201, May 2001, and replaced by Ord. #292, April 2015, Ord. #325, June 2019 *Ch9_08-11-20*, and Ord. #328, Feb. 2020 *Ch9_08-11-20*)

8-216.--8-217. Deleted. The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder. (1969 Code, §§ 2-216--2-217, as replaced by Ord. #292, April 2015, and deleted by Ord. #325, June 2019 *Ch9_08-11-20*)

8-218.--8-222. Deleted. (as deleted by Ord. #292, April 2015)

CHAPTER 3

(as added by Ord. #309, Jan. 2017,
and deleted by Ord. #325, June 2019 *Ch9_08-11-20*)