

TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

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8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the City of Springfield except as provided by title 57, chapter 1, Tennessee Code Annotated,

and by rules and regulations promulgated thereunder, and as provided in this chapter. (Ord. # 092-33, Feb. 1993)

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol or spirits, and capable of being consumed by a human being, other than patented medicine or beer, where the beer contains alcohol of five percent (5%) by weight or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued.

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

(4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.

(5) "Manufacturer" means and includes a distiller, vintner, and rectifier. "Manufacture" means and includes distilling and rectifying, and operating a winery.

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

(7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Title 57, Chapter 1, Tennessee Code Annotated.

(8) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

(9) "Words" importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural.

(10) "Federal license" shall not mean tax receipt or permit. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-103. Manufacture prohibited. The manufacture of alcoholic beverages is prohibited within the corporate limits. (Ord. # 092-33, Feb. 1993)

8-104. Wholesale selling prohibited. No person, firm, or corporation shall engage in the business of selling alcoholic beverages at wholesale within the corporate limits. (Ord. # 092-33, Feb. 1993)

8-105. Application for certificate of good moral character and city license.
 Before any character certificate or city license is issued, the following must be accomplished.

(1) An application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

(a) Name, age and address of the applicant.

(b) Number of years residence in the county.

(c) Occupation or business and length of time engaged in such occupation or business.

(d) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.

(e) If employed, the name and address of employer.

(f) If in business, the kind of business and location thereof.

(g) The location of the proposed store for the sale of alcoholic beverages.

(h) The name and address of the owner of the store.

(i) 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, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

(j) 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.

(k) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the Alcoholic Beverage commission. The notice shall contain such information as is prescribed in Section (16) of Chapter 0100-3-.09 of the Local option Liquor Rules and Regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rules of the Commission.

(l) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The city shall require a copy of all applications and information sent to the state.

(2) Each application shall be accompanied by a non-refundable investigation fee of five hundred (\$500) dollars.

(3) The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city

and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages.

(4) An applicant for a certificate of good moral character may be required to appear in person before the Board of Mayor and Aldermen for such reasonable examination as may be desired by the board.

(5) Each applicant shall be a resident of Robertson County. (Ord. # 092-33, Feb. 1993)

8-106. State license required. The city clerk shall not issue said license once approved until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the city manager the state retailers license issued to the applicant by the State Alcoholic Beverage Commission. (Ord. # 092-33, Feb. 1993)

8-107. Relocation of licensed retailer. Should any retailer licensed under this chapter relocate said business so that the new business location is not in compliance with state law or city ordinance, the city manager shall immediately notify the Alcoholic Beverage Commission and recommend revocation of the license. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-108. Restriction to location. Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the City of Springfield. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the planning and zoning board has reviewed and recommends the site plan submitted by the applicant to the Board of Mayor and Aldermen.

No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. 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 surrounding 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 1000 square feet.

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 sale of alcoholic beverages there sold. (Ord. # 092-33, Feb. 1993)

8-109. Minimum distance requirement. No liquor store shall be located within a 600 foot distance of separation from a church, school or other public institution.

The distance of separation shall be determined by the length of a straight line drawn between the closest points of the building of the church, school or public institution and the building for which the license is sought. (Ord. #092-33, Feb. 1993)

8-110. [Repealed]. This section was repealed by Ord. # 094-12, June 1994. (Ord. # 092-33, Feb. 1993, as repealed by Ord. # 094-12, June 1994)

8-111. [Repealed]. This section was repealed by Ord. # 094-12, June 1994. (Ord. # 092-33, Feb. 1993, as repealed by Ord. # 094-12, June 1994)

8-112. Employee permits required to work in retail liquor store. It shall be unlawful for anyone to sell alcoholic beverages in a retail liquor establishment unless the seller shall first acquire an I.D. permit from the Alcoholic Beverage Commission. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-113. Display of license. Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (Ord. # 092-33, Feb. 1993)

8-114. Transfer of permits restricted. 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. Provided, however, that licensees who are serving in the military forces of the United States in the time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. (Ord. # 092-33, Feb. 1993)

8-115. Expiration and renewal of license. Licenses issued under this chapter shall expire one year from the date of issuance and, subject to the provisions of this chapter, may be renewed each year by payment of applicable fees to the Alcoholic Beverage Commission. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994)

8-116. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same

premises until after the expiration of one (1) year from the date said revocation becomes final and effective. (Ord. # 092-33, Feb. 1993)

8-117. Federal license, effect of. The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license, shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter. (Ord. # 092-33, Feb. 1993)

8-118. Inspection fee. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licensees under this chapter. Said fee to be at the maximum amount as provided for in TCA, § 57-3-501.

(2) 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) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City of Springfield as hereinafter provided.

(4) Each wholesaler making sales to retailers located within the corporate limits of the City of Springfield shall furnish the City of Springfield a report monthly, which report shall contain the following:

(a) The name and address of the retailer;

(b) The wholesaler 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 Board of Mayor and Aldermen of the City of Springfield. The monthly report shall be furnished to the city recorder of Springfield 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 Springfield shall be paid to the City of Springfield at the time the monthly report is made. Wholesalers collecting and remitting the inspecting fee to the City of Springfield shall be entitled to reimbursement for this collection service a sum equal to five (5%) percent 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 Springfield.

(5) Each wholesaler who fails to collect and/or remit in a timely matter the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten (10%) percent of the fee due the City of Springfield which shall be payable to the City of Springfield.

(6) The City of Springfield 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 report. (Ord. # 092-33, Feb. 1993)

8-119. Regulations for purchase and sale of intoxicating liquors. The following regulations shall apply in the purchase and sale of intoxicating liquors:

(1) It shall be unlawful for any person in this city to buy any alcoholic beverages herein defined from any person who does not hold the appropriate license under this chapter authorizing the sale of said beverages to him.

(2) No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer.

(3) No licensee shall sell intoxicating liquors at retail in connection with any other business or in the same store where any other business is carried on.

(4) No holder of a license 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.

(5) No alcoholic beverages shall be sold for consumption on the premises of the seller.

(6) The sale and delivery of alcoholic beverages shall be confined to the premises of the licensee.

(7) No form of entertainment, including pin ball machines, music machines, or similar devices, shall be permitted to operate upon any premises from which alcoholic beverages are sold.

(8) No retailer shall own, use 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) A duly authorized representative of the city in cooperation with the Alcoholic Beverage Commission shall have the right to inspect the premises of any licensee under this chapter during the hours when such establishments are open for the conduct of business.

(10) No retailer shall directly or indirectly operate more than one (1) place of business for the sale of alcoholic beverages, and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest, or otherwise.

(11) No retailer shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away to any person accompanied by a person who is drunk.

(12) No retailer shall sell, lend, or give away any alcoholic beverages to a person under twenty-one (21) years of age.

(13) No retailer shall sell, lend, or give away any alcoholic beverages between 11 o'clock P.M. on Saturday and 8 o'clock A.M. on Monday of each week, and between 11 o'clock P.M. and 8 o'clock A.M. Monday through Saturday.

(14) No retailer shall sell, lend, or give away any alcoholic beverages on Christmas, Thanksgiving, Labor Day, New Year's Day, and the Fourth of July.

(15) 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. (Ord. # 092-33, Feb. 1993, as amended by Ord. # 094-12, June 1994, and replaced by Ord. #13-17, Nov. 2013)

8-120. Advertising and signage restrictions. (1) No advertising, signs, displays, poster, or designs intended to advertise any alcoholic beverage specified either by name brand or inference is permitted within the corporate limits of the City of Springfield except as approved herein inside the store. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(2) Each retail liquor store is allowed two signs on the premises and no signs off-premise. The building sign may be mounted on and parallel to the front of the building and shall not be more than 75 square feet in area. The free standing sign (if used) must meet the zoning requirements as to placement, etc., but can not have more than 32 square feet of surface area per side (maximum of 2 sides) and not be more than 20 feet in height.

(3) No advertising material or signage is allowed in, on, or near the inside window areas of the store. Advertising material inside the store will be along or on shelving and display areas so as to minimize blockage of aisle ways and line of sight of both store employees and public safety officials. (Ord. # 092-33, Feb. 1993)

8-121. Canvassers and solicitors prohibited. No holder of a license issued shall employ any canvasser or solicitor for the purpose 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. This section shall not be construed to prohibit the solicitation by a state licensed wholesaler of an order from any licensed retailer at the licensed premises. (Ord. # 092-33, Feb. 1993)

8-122. Failure to pay fees. Whenever any of the persons licensed hereunder fails to account for or pay over to the city recorder any license fee or inspection fee, or defaults in any of the conditions of his bond, the city manager shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee. (Ord. #092-33, Feb. 1993)

8-123. Inspection of books, etc. The city manager or his designee is authorized to examine the books, papers, and records of any licensee for the

purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license. (Ord. # 092-33, Feb. 1993)

8-124. Suspension or revocation of license. In addition to any pecuniary penalty, any violation of the terms of this chapter shall make mandatory the suspension of said license by the city manager for thirty (30) days and in the discretion of the Board of Mayor and Aldermen may be cause for revocation of said license. (Ord. # 092-33, Feb. 1993)

8-125. Filing period moratorium. There shall be a filing period of sixty (60) days after the effective date of this ordinance so that no application will be considered for approval until the planning commission convenes for its regular May 1993 meeting in accordance with this ordinance. (Ord. # 092-33, Feb. 1993)

CHAPTER 2

BEER

SECTION

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8-201. Beer board established. There is hereby established a beer board to be composed of a chair plus one (1) member from each ward of the city. The chair shall be appointed by the mayor and each alderman shall appoint a member from their ward. The chair and board members shall each serve four (4) year terms. The members from odd numbered wards shall be subject to appointment in 1992 and every four (4) years thereafter, barring their conviction of any crime involving moral turpitude or their being removed from office by a simple majority vote of the board of mayor and aldermen. The members from even numbered wards shall be subject to appointment in 1994 and every four (4) years thereafter, barring their conviction of any crime involving moral turpitude or their being removed from office by simple majority vote of the board of mayor and aldermen.

To qualify for appointment and continued service on the board as a member or as chair, one must reside in the city to serve as chair and in the particular ward to serve as a member for at least one (1) year prior to appointment and be registered to vote.

If the chair resigns for any reason the mayor shall appoint a successor to serve the unexpired term subject to the above conditions. If a member resigns for any reason the respective alderman for the resigning member's ward shall appoint a successor to serve the unexpired term subject to the above conditions.

(Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-202. Meetings of the beer board. All meetings shall be open to the public. The board shall hold its meetings on the second Thursday of every month at 5:30 P.M. or by call of the chairman. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

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 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. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

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. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

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. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-206. Powers and duties of the city recorder. The city recorder shall have the authority to issue temporary beer permits to new owners of businesses at locations where a beer permit is currently in place. The owner and location shall meet all requirements of this chapter. The temporary beer permit shall remain in effect pending the next meeting of the beer board at which it may take action on the application. At that meeting the beer board may issue a beer permit in accordance with this chapter. (Ord. #90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-207. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beer, ale, and other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101. (Ord. #093-21, Oct. 1993, as replaced by Ord. #04-06, Nov. 2004, Ord. #07-23, Nov. 2007, and Ord. #16-19, Nov. 2016)

8-208. 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 for 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, and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check or money order payable to the City of Springfield. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. Pursuant to Tennessee Code Annotated, § 57-5-103 the city shall not issue a permit unless the applicant has been a citizen or lawful resident of the United States for not less than one (1) year immediately preceding the date upon which the application is made to the city . (Ord. #093-21, Oct. 1993, as replaced by Ord. #04-06, Nov. 2004, Ord. #07-23, Nov. 2007, and Ord. #16-02, March 2016)

8-209. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1st of each year to the City of Springfield, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-210. 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 the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premised consumption. It shall be unlawful for any beer permit holder to engage in any type of 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. (Ord. #90-24, as amended by Ord. #091-23, Feb. 1992, repealed by Ord. #094-20, Nov. 1994, and replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-211. Minimum distance from church or school. Conditions under which issuance of permit is prohibited are as follows:

(1) General. In the consideration of such application the city recorder and/or the beer board shall take into consideration the proximity of schools

(public or private), daycares, parks, playgrounds, churches, and other places of public gathering, and interference with public health, safety and morals.

No permit shall be issued to any person for a location which fails to comply with any health ordinances or any regulation of the department of health or which would violate any zoning and/or code ordinances of the city.

No beer permit shall be issued to any person for the conduct of any business at any point or place in the corporate limits of the city unless such place is zoned for, or authorized to be used for commercial or other purposes, corresponding to the character of the business contemplated in this chapter.

(2) "On-premise" permit. No on-premise type permits shall be issued authorizing the storage, sale, or manufacturing of beer within three hundred feet (300') of any school (public or private), daycare, park, playground or church as measured on a straight line from the nearest point of the school (public or private), daycare, park, playground, or church to the nearest point of the building or structure where beer is stored, sold or manufactured, excepting that this provision shall not be applicable to the renewal of any existing permit outstanding as of September 19, 2006; and with the additional exception that there shall be no distance requirement between a permit location and any church that has been granted a conditional use permit within a CG, Commercial General zoning district.

On-premise permits shall not be issued except to eating establishments that possess seating capacities for not less than twenty-five (25) persons and where hot meals or lunches are regularly served and where food revenues make up at least forty percent (40%) of the gross sales of the business. The premises must be regularly inspected by the State Health Department and have the permit publicly displayed at all times. The premises must be equipped with adequate toilet facilities and handwashing facilities, including hot and cold running water, for use by customers.

This subsection shall not be applicable to qualifying entities who have received a special occasion license under chapter 4, title 57 of Tennessee Code Annotated.

A minimum distance requirement of one hundred feet (100') shall be applicable to otherwise fully qualified eating establishments located in the core area portion of the Springfield Central Business District which surrounds the historic Robertson County Courthouse, a National Register property located in the CC, Core Commercial Zone; and further described as within the area that includes all buildings fronting on South Main Street between 5th Avenue West and 6th Avenue West, all buildings fronting on 6th Avenue West between South Main Street and South Locust Street, all buildings fronting Court Square West between 5th Avenue West and 6th Avenue West, and all buildings fronting 5th Avenue West between North Main Street and North Locust Street.

(3) "Off-premise" permit. No off-premise type permit will be issued authorizing the storage, sale or manufacturing of beer within three hundred feet (300') feet of any school (public or private), daycare, park, playground, or church as measured on a straight line from the nearest point of the school, daycare,

park, playground, or church to the nearest point of the building or structure where beer is stored, sold or manufactured, excepting that this provision shall not be applicable to the renewal of any existing permit outstanding as of September 19, 2006; and with the additional exception that there shall be no distance requirement between a permit location and any church that has been granted a conditional use permit within a CG, Commercial General zoning district.

(4) Conditions of permit. Every person to whom a beer permit is issued agrees to the following conditions:

(a) The premises are declared to be a public place for the purpose of inspection by city inspectors, by officers of the police department or by any other duly authorized law enforcement officer.

(b) The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to the storing, sale, distribution by sale or gift or manufacture of beer, and shall permit the city recorder or his duly authorized agents, representatives or employees to inspect, at any time during normal business hours, all such invoices, books, papers and memoranda as may be deemed necessary in the opinion of the city recorder or his authorized agent, representative or employee in ascertaining whether or not all revenue and taxes have been paid or in determining the amount of such taxes that may be due.

(5) Revocation. Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises to the same business enterprise or its employees operating the premises until after the expiration of one (1) year from the date such revocation becomes final and effective; provided however, said premises shall be eligible for the issuance of a new beer permit to a business enterprise or its employees, an owner and/or a lessee who was not subject to the revocation of a beer permit at such location provided all requirements of the code regarding the location of on and/or off-premises beer permits shall be met. However, a permit shall not be issued to a partner, employee, associate or relative of the holder of a revoked permit if said relationship existed at the time of the offense.

(6) Revocation or suspension; proximity to schools, daycares, churches or places of public gathering. (a) The city shall not suspend, revoke or deny a permit to a business engaged in selling, distribution or manufacturing beer on the basis of the proximity of the business to a school (public or private), daycare, park, playground, church or other place of public gathering if a valid permit had previously been issued to any business on that same location. This section shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six (6) month period.

(b) For the purposes of this section, "on that same location" means within the boundaries of the parcel or tract of the real property on which the business was located. The provisions of this section apply whether or not business moves the building on the location and whether

or not the business was a conforming or nonconforming use at the time of the move.

(c) If a business applies for a beer permit within the continuous six (6) month period referenced in this section, and if the city denies the business a permit and if the business appeals that denial, a new six (6) month continuous sale period shall begin to run on the date when the appeal of that denial is final. (Ord. # 092-01, April 1992, as replaced by Ord. #04-06, Nov. 2004, Ord. #06-14, Sept. 2006, Ord. #07-05, March 2007, Ord. #07-23, Nov. 2007, Ord. # 11-11, Dec. 2011, and Ord. #13-06, June 2013)

8-212. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor within past five (5) years, or any felony within the past ten (10) years. (Ord. # 90-24, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-213. Prohibited conduct or activities by beer permit holders, their agents, and/or employees. It shall be unlawful for beer permit holders, their agents and/or employee(s) to:

(1) Employ any person convicted for the possession, sale, manufacturer, or transportation of intoxicating liquor within the past five (5) years or any felony within the past ten (10) years.

(2) Allow any person under eighteen (18) years of age to loiter in or around, or otherwise frequent any place where beer is sold at retail for consumption on the premises. This section does not prohibit the otherwise lawful patronage by minors of establishments whose primary activity is lawful activity other than the sale of beer or alcohol. Primary activity for purposes of this section means that at least seventy-five percent (75%) of the gross receipts of the establishment are the result of activity other than the sale of beer or alcohol. The beer permit holder shall furnish such documentation as may be required by the city to establish this percentage.

Beer permit holders whose primary activity, as defined above, is lawful activity other than the sale of beer or alcohol, may employ minors under eighteen (18) years of age. However, persons under eighteen (18) years of age who work in beer places shall not be allowed to touch, handle or move any glass, mug, can, bottle, package, carton, case, keg or other container in which beer is served, held or kept in storage. Persons under eighteen (18) years of age may work in beer places only between the hours of 6:00 A.M. to 10:00 P.M. Persons under eighteen (18) years of age who work in beer places and their employers shall be required to register with the city and receive a permit authorizing the employment of each individual minor prior to beginning work. Each permit shall be good for a period of ninety (90) days. The permit shall contain the name and location of the establishment, the name of the owner or manager of the

establishment; and the name, address, date of birth and job title of the minor being employed.

A violation of this subsection is unlawful. In addition, a violation of this subsection shall subject the beer permit holder to the penalties and procedures set forth in this chapter.

(3) Hours of sale. It shall be illegal for any beer license holder to make or allow any sale, give away, or distribute any beer or alcoholic beverage between the hours of 3:00 A.M. and 6:00 A.M. Monday through Saturday and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. However, any person holding a beer license for on-premises and/or off-premises consumption shall be allowed to sell beer from 10:00 A.M. Sunday to 3:00 A.M. on Monday. No beer or alcoholic beverage should be consumed or opened for consumption, on or about any premises licensed by the City of Springfield, in either bottle, glass or other container, after 3:15 A.M.

(4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(5) Make or allow any sale of beer to a person under twenty-one (21) years of age.

(6) Make or allow any sale of beer to any intoxicated person or to any insane, or otherwise mentally incapacitated person.

(7) Allow drunk or disreputable persons to loiter about his premises.

(8) Serve or sell on his premises any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight unless licensed for liquor by the drink.

(9) Allow gambling on his premises.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women.

(11) Allow beer to be distributed through sale or otherwise, from any vending apparatus or machine.

(12) Stock or sell any drug related paraphernalia, illegal or otherwise, as defined by Tennessee Code Annotated, § 39-1 7-402. (Ord. #90-24, as amended by Ord. #091-23, Feb. 1992; Ord. #095-03, April 1995; and Ord. #95-22, Dec. 1995; and replaced by Ord. #99-11, May 1999, Ord. #04-06, Nov. 2004, Ord. #07-23, Nov. 2007, and Ord. #16-04, April 2016)

8-214. Revocation of beer permits. The beer board shall have the power to revoke or suspend any beer permit, as well as issue letters of warning to holders of beer permits, issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his/her application or of violating any of the provisions of this chapter.

However, no beer permit shall be revoked or suspended, nor shall any letters of warning be issued, until a public hearing is held by the board after reasonable notice to all the known parties in interest. Proceedings under this section may be initiated by the police chief, his designated representative 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 original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. # 90-24, as amended by Ord. # 094-20, Nov. 1994, and replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-215. Civil penalty in lieu of 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 permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (Ord. # 093-21, Oct. 1993, as replaced by Ord. #04-06, Nov. 2004, and Ord. #07-23, Nov. 2007)

8-216. 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. (as added by Ord. #07-23, Nov. 2007)

8-217. Special occasion permit. A special occasion permit may be issued to entities qualifying for a special occasion license under Tennessee Code Annotated, chapter 4, title 57. The entity must provide proof sufficient to the beer board that they have obtained a special occasion license from the Tennessee Alcoholic Beverage Commission for a special occasion. The beer board may issue a permit for the on-premise sale of beer for the location and on the dates approved in the state license for the sale of alcoholic beverages upon submission of an application to the city recorder and a special occasion fee of one hundred dollars (\$100.00) per twenty-four (24) hour period of the special occasion. For the purpose of this provision, the board of mayor and aldermen adopts all requirements of the Tennessee Alcoholic Beverage Commission with respect to special occasion licenses and the city recorder shall obtain a written statement from the applicant that they are familiar with those requirements and agree to abide by them in the on-premise sale of beer under the special occasion permit. (as added by Ord. # 11-11, Dec. 2011)