

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he/she is lawfully acting pursuant to the authority of an applicable state law, it shall be unlawful for any person to manufacture, sell, or solicit orders for any intoxicating liquor within the City of Medina. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than six percent (6%) of alcohol by weight. (as added by Ord. #14-02, April 2014)

¹State law reference
Tennessee Code Annotated, title 57.

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)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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

- (1) In violation of any provisions of state law.
- (2) In violation of the Medina Zoning Ordinance.
- (3) To any alien determined to be in the United States illegally.
- (4) At any location within three hundred feet (300') of any school or church, as measured by the shortest straight line which can be drawn between the structures.
- (5) At any location within two hundred fifty feet (250') of playground or park, as measured by the shortest straight line which can be drawn between the structures.
- (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, and renumbered and replaced by Ord. #14-02, April 2014)

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) days of the end of each month. 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
- (8) 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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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: not to exceed four (4) permits.
- (2) Off-premises permits: not to exceed four (4) permits.

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, and renumbered and replaced by Ord. #14-02, April 2014)

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 dollars (\$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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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, and renumbered and replaced by Ord. #14-02, April 2014)

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)

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 five percent (5%) by weight.
- (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)

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)

8-221. On-premise and off-premise permit 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 or off-premise beer permit has been issued. (as added by Ord. #14-02, April 2014)

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)

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)

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)

8-225. Penalty. Any permittee, licensee, employee, agent, or person violating these sections shall be guilty of a misdemeanor and shall be punishable

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by a fine not to exceed fifty dollars (\$50.00) for each violation. (as added by Ord. #14-02, April 2014)