

TITLE 8**ALCOHOLIC BEVERAGES¹****CHAPTER**

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

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8-101. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise: alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (as added by Ord. #09-02, March 2009)

8-102. 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 Nolensville, Tennessee. It is the intent of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Nolensville, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #09-02, March 2009)

¹State law reference

Tennessee Code Annotated, title 57.

8-103. 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 Nolensville General Fund to be paid annually as provided in this chapter) upon any person, firm corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Nolensville on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #09-02, March 2009)

8-104. Annual privilege tax to be paid to the town 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 Nolensville shall remit annually to the town recorder the appropriate tax described in § 8-103. 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. #09-02, March 2009)

8-105. 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 Nolensville, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of § 8-212(3) of the ordinances of the Town of Nolensville, qualify to receive a beer permit from the town. (as added by Ord. #09-02, March 2009)

8-106. 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. #09-02, March 2009)

CHAPTER 2

BEER¹

SECTION

- 8-201. Board composition.
- 8-202. Powers and duties of the beer board.
- 8-203. Eligibility for beer permit required for engaging in beer business.
- 8-204. Application requirements.
- 8-205. Conditions of permits.
- 8-206. Application fees and taxes.
- 8-207. Restrictions upon granting permits.
- 8-208. Referral of applications to local law enforcement agencies.
- 8-209. Prohibited acts.
- 8-210. Permit revocation or suspension.
- 8-211. Civil penalty in lieu of revocation or suspension.
- 8-212. Additional privilege tax.
- 8-213. Loss of clerk's certification for sale to minor.
- 8-214. Annually sales reporting.

8-201. Board composition. There is hereby established a beer board to be composed of the board of mayor and aldermen (hereinafter referred to as the beer board). The mayor shall be the chairman of the beer board. Its members shall serve without compensation. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-202. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to establish regulations governing the selling, storing for sale, distributing for sale, giving away, and manufacturing of beer within the boundaries of the Town of Nolensville in accordance with the provisions of state statutes, provided such provisions and regulations are approved by the board of mayor and aldermen and to issue permits related thereto:

- (1) The Town of Nolensville Beer Board may promulgate such by-laws, rules and regulations not inconsistent with state law, as it deems appropriate for the conducting of its business, copies of which shall be filed with the secretary of the board, and with the town recorder.

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).

(2) All meetings of the beer board shall be open to the public. The board shall hold regular meetings at such times and at such locations 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.

(3) The attendance of a least a majority of 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.

(4) The town recorder shall make a record of the preceding 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 name of the board members present and absent; the 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.

(5) The term "beer" as used herein shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.

(6) The Town of Nolensville Beer Board meeting shall be conducted according to the latest available edition of Robert's Rules of Order. (Ord. #96-10, Dec. 1996, as amended by Ord. #02-08, Nov. 2002, and renumbered by Ord. #09-01, March 2009)

8-203. Eligibility for beer permit required for engaging in beer business. (1) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndication association or limited liability company. A written application, under oath, shall be filed with the town recorder's office prior to the date of the hearing. The town recorder shall, within five (5) days after receipt of an application, notify each member of the beer board of such application.

(2) No such permit shall be issued until the beer board has approved the written application for the permit which application shall contain questions necessary to the determining of whether or not the applicant has met all laws of this state and all provisions of this chapter and other regulations of the Town of Nolensville then in effect. (Ord. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, and renumbered by Ord. #09-01, March 2009)

8-204. Application requirements. The application for a beer permit shall be submitted to the town recorder prior to the beer board meeting at which it is to be considered. The town recorder shall, within five (5) days after receipt of an application, notify each member of the beer board of such applications.

The form of such application shall be prescribed by the beer board. Each applicant must affirmatively and explicitly state:

(1) The applicant shall state that the business will be conducted in person and shall indicate whether he or she is acting as an agent for any other person, firm, corporation, syndicate, association, joint venture, joint stock company, or limited liability company.

(2) The location of the premises at which the business shall be conducted.

(3) The owner or owners of such premises.

(4) If the applicant is a private individual, he or she must indicate the names and address of all other persons who have an ownership interest of five (5) percent or more in the business proposed to be established.

(5) If the applicant is a corporation whose stock is traded on a recognized stock exchange, the applicant must indicate only the names and addresses of those persons who have an ownership interest of five (5) percent or more in the corporation establishing the proposed business. If the applicant is a corporation, the applicant shall indicate whether the corporation is authorized to do business within the State of Tennessee.

(6) If the applicant is a partnership, a joint venture, limited liability company or a corporation whose stock is not traded on a recognized stock exchange, the applicant must also indicate the names and address of all persons who have an ownership interest of five (5) percent or more in the entity establishing the proposed business, whether as a member or stockholder of the partnership, the joint venture, corporation, member of a limited liability company or of otherwise.

(7) If the applicant is a partnership, a joint venture, a limited liability company or a corporation, the private individual who signs the application shall indicate, in words, that he or she signs "on behalf of" and then indicate the name of the business entity. By such signature, the partnership, the joint venture, limited liability company or the corporation agrees to be bound by all regulations under this chapter and to be liable for any violations thereof. Where it deems it to be appropriate, the beer board may require the applicant to furnish as a condition of approval a certified copy of a resolution approved by the managing body of the business entity authorizing the individual signing the application on behalf of the business entity to obligate the entity.

(8) If the applicant will operate the business through an agent, the name and the address of the agent will be indicated. Any time the applicant/licensee changes agents, it shall notify the beer board in writing within thirty (30) days of the change and shall supply the name and address of the new agent.

(9) No permittee shall open his/her premises to the public for the sale of beer until the permittee shall first have filed with the beer board floor plans and diagrams completely disclosing and designating a physical arrangement of the premises, should the beer board so require the same of any applicant.

(Ord. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, and renumbered by Ord. #09-01, March 2009)

8-205. Conditions of permits. Every applicant to whom a beer permit is issued agrees to the following conditions:

(1) The premises are declared to be a public place for the purpose of inspection by any duly authorized enforcement officer or town official.

(2) The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law.

(3) 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 the permit holder shall permit any town official, or representatives or employees of the town, to inspect, at any time during the business hours of the day, all such articles, containers, packages, invoices, books, appears and memoranda as may be deemed necessary in the opinion of the director of finance or his authorized agent, representative or employee in ascertaining whether or not all state and local taxes have been paid or in determining the amount of such taxes that may be due.

(4) Any applicant making any false statement in such application shall forfeit the permit, and shall not be eligible to receive any permit for a period of ten (10) years.

(5) Beer permits are not transferable from one person to another or from one location to another. A new permit is required in the manner provided herein.

(6) 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 by the beer board so as to authorized sale solely for off premises consumption. A single permit may be issued for on premises 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 which may be written into his permit by the beer board.

(7) No permit for on-premises beer consumption shall be granted or approved unless the applicant's business for which it is seeking a beer permit derives at least sixty-five (65) percent of its gross income from the sale of food prepared on the business premises to be consumed on the business premises.

(8) No permits shall be issued in the Town of Nolensville for one (1) time, special or catered events.

(9) Notwithstanding the food sales requirement in (7) above, in the case of a business whose primary business is the manufacture of beer, a permit for on-premises beer consumption may be granted for the business premises.

Such a business may only sell beer it manufactures for on-premises consumption within the hours of 4:00 P.M. to 9:00 P.M. on Thursday and Fridays, and 12:00 P.M. to 9:00 P.M. on Saturdays for one (1) year ending December 31, 2019 unless extended by an ordinance enacted by the board of mayor and aldermen. These restrictions shall not be construed to apply to the sale of beer for off-premises consumption, but the business shall not sell beer for either on-premises or off-premises consumption on Sundays. For the purpose of this section, "primary business" is defined as a business in which at least ninety percent (90%) of its gross income is derived by the manufacture and distribution of beer it manufactures. (Ord. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, renumbered by Ord. #09-01, March 2009, and amended by Ord. #14-05, April 2014, Ord. #16-17, Nov. 2016 **Ch3_6-6-19**, Ord. #17-13, Jan. 2018 **Ch3_6-6-19**, and Ord. #18-12, Jan. 2019 **Ch3_6-6-19**)

8-206. Application fees and taxes. All applications for the issuance of permits by the Town of Nolensville Beer Board shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00) for use of offsetting the expenses of investigating the applicant and processing the application. Said fee shall be in the form of a cashier's check payable to the Town of Nolensville. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. All applications shall be on such forms as the beer board shall prescribe and/or furnish. No application fee shall be required of an owner of a business holding a valid beer permit, at a location in the Town of Nolensville for a business as of October 1, 1996. In the event the business location changes or ownership of said business changes, the application must be accompanied by a non-refundable application fee. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-207. Restrictions upon granting permits. No permit shall be issued to sell any beverage coming within the provisions of this chapter that are:

- (1) In violation of any provision of the state law.
- (2) In violation of the Zoning Ordinance of the Town of Nolensville; or
 - (a) Pursuant to Tennessee Code Annotated, § 57-5-103(a)(1), no person shall engage in the storing, selling, distribution, giving away, or manufacturing of beer, or other beverages of like alcoholic content, within the town limits of the Town of Nolensville until that person shall receive a permit to do so from the Beer Board of the Town of Nolensville, Tennessee. The applicant shall certify that he or she has read and is familiar with the chapter. No permit shall be issued to any person, persons, firm, corporation, joint-stock company, syndicate, limited liability company, or association if such persons or entity are in violation of the beer ordinance at the time of application for such permit.

(b) Notwithstanding the food sales requirement in 8-205(7) above, in the case of a business whose primary business is the manufacture of beer, a permit for on-premises beer consumption may be granted for the business premises. Such a business may only sell beer it manufactures for on-premises consumption within the hours of 4:00 P.M. to 9:00 P.M. on Thursday and Fridays, and 12:00 P.M. to 9:00 P.M. on Saturdays for one (1) year ending December 31, 2019 unless extended by an ordinance enacted by the board of mayor and aldermen. These restrictions shall not be construed to apply to the sale of beer for off-premises consumption, but the business shall not sell beer for either on-premises or off-premises consumption on Sundays. For the purpose of this section, "primary business" is defined as a business in which at least ninety percent (90%) of its gross income is derived by the manufacture and distribution of beer it manufactures.

(c) No beer permit shall be issued to any applicant who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, limited liability company or association having at least a five percent (5%) ownership interest in the business applying for a permit shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(d) No permit authorizing the sale of beer for on-premises consumption shall be issued to any persons or entity unless the applicant derives sixty-five (65) percent of its gross business revenue from the sale of food prepared on the business premises to be consumed on the business premises.

(e) The judgment of the beer board on such matters is final except as same is subject to review under law Tennessee Code Annotated, § 57-5-108. (Ord. #96-10, Dec. 1996, as amended by Ord. #97-04, March 1997, renumbered by Ord. #09-01, March 2009, and amended by Ord. #14-19, Jan. 2015, Ord. #16-17, Nov. 2016 **Ch3_6-6-19**, Ord. #17-13, Jan. 2018 **Ch3_6-6-19**, and Ord. #18-12, Jan. 2019 **Ch3_6-6-19**)

8-208. Referral of applications to local law enforcement agencies.

The Town of Nolensville Beer Board shall submit the necessary information of each applicant for a permit to local law enforcement agencies for the purpose of ascertaining if the applicant has ever been arrested or convicted of any offense which would prohibit the issuance of a permit. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-209. Prohibited acts. The Town of Nolensville Beer Board shall have the power to revoke or suspend, and shall be charged with the duty of revoking

or suspending, any permits issued by it, upon notice to the permittee and a hearing thereon, for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages or for any violations of any provisions of this chapter or when the permittee engages in the following prohibited conduct or activities:

(1) Operates a disorderly place; or
(2) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or

(3) Permits minors to congregate about the premises; or

(4) Has made a false statement of a material fact in any application or notice to the beer board; or

(5) Sales to minors as: It shall be unlawful for any person under twenty-one (21) years of age to purchase, attempt to purchase, or to possess any beverage covered by this chapter or for anyone to purchase such beverage for a persons under twenty-one (21) years of age to present or offer to any permittee, his or her agent or employee, any written evidence of his age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or attempting to purchase such beverages. Any person under twenty-one (21) years of age who acts in violation of any one or more of the provisions of this section shall be taken before the juvenile judge of this county for appropriate disposition; or

(6) Make or allow sales of beer to any intoxicated person or feeble minded, insane, or otherwise mentally impaired person; or

(7) Allow intoxicated persons to loiter about the premises; or

(8) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years; or

(9) Employ any person under eighteen (18) years of age in the sale, service, or dispensing of beer at retail for consumption on the premises; or

(10) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M. during any night of the week, except for between the hours of 3:00 A.M. Sunday and 11:00 A.M. on Sunday. Sale of beer on Sunday is further restricted and confined to package only for consumption off the premises of the permittee and to those businesses where service of meals is the principal business and at least sixty-five percent (65%) of the gross business revenue of such business is derived from food sales;

(11) Allow the place of business to become a public nuisance or a nuisance to law enforcement agencies of the Town of Nolensville or create a nuisance or materially contribute to creating or maintaining a public nuisance; or

(12) Allow any sale or delivery of beer for consumption on the premises outside of the building occupied by the holder of the permit except for public patios or decks which are food service areas. Any sales for consumption on the premises but outside the building from which the business is operated shall be

made from within the building, it being the intention of this provision to prohibit the sale of beer by what is commonly known as "curb service" or "curb sales."

(13) The owner and operator shall be held strictly accountable for any actions of his employees which violate any of the above provisions.

(14) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

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

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

(17) That no sale will be made to persons under twenty-one (21) years of age. (Ord. #96-10, Dec. 1996, as amended by Ord. #02-08, Nov. 2002, renumbered by Ord. #09-01, March 2009, and amended by Ord. #15-18, Oct. 2015)

8-210. Permit revocation or suspension. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the beer board for the violation of any of the provisions of this chapter.

(1) Suspension or revocation proceedings may be initiated by the local law enforcement agencies or by any member of the beer board. 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 the permit shall be made in writing and filed with the beer board.

(2) When the beer 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 beer board is authorized to notify the permittee of said violations and to cite said permittee, by written notice, to appear and show cause why the 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 by registered mail. The notice shall be served upon the permittee at least seven (7) days before the date of the hearing. The chairman of said beer board is authorized to compel the attendance of the hearing. Adequate public notice under the circumstances shall be given of the hearing. The chairman of said beer board is authorized to compel the attendance of witnesses by subpoena issued by the town recorder. At the hearing, the beer 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 evidence, the beer board may, in its discretion, suspend or revoke said permit.

(3) The action of the beer board in all such hearings shall be final, subject to review by the court is provided in Tennessee Code Annotated, § 57-5-108. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final. However, nothing contained herein shall be construed to deny the beer board the discretion to grant a new permit at the same location within one (1) year if the new applicant has no connection to the previous permit holder as provided in Tennessee Code Annotated, § 57-5-108(k).

(4) 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 (12) month period. The revocation shall be for three (3) years. (Ord. #96-10, Dec. 1996, as amended by Ord. #07-15, Oct. 2007, and renumbered by Ord. #09-01, March 2009)

8-211. 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 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. #96-10, Dec. 1996, as replaced by Ord. #07-15, Oct. 2007, and renumbered by Ord. #09-01, March 2009)

8-212. Additional privilege tax. (1) In addition to the one-time application fee, beginning January 1, 1997, each beer permit holder shall pay a privilege tax of \$100.00 per year to the Town of Nolensville for business locations within municipal boundaries. The town recorder is required to mail a written notice of the annual tax due to each permit holder at least 30 days prior to January 1st of each year. This notice must be mailed to the address specified in the beer permit application. If the permit holder does not pay the tax by January 1st of each year, then the town recorder must notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within 10 days after receiving notice of the delinquency by certified mail, then the beer board may suspend or revoke the permit or impose a civil penalty.

(2) 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 pro-rated bases for each month or portion thereof remaining until the next tax payment due date. (Ord. #96-10, Dec. 1996, as renumbered by Ord. #09-01, March 2009)

8-213. 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. #07-15, Oct. 2007, and renumbered by Ord. #09-01, March 2009)

8-214. Annually sales reporting. (1) Licensee shall, within thirty (30) days following the end of the calendar year, file a report on a form provided by the Town of Nolensville which shall be sworn to by the licensee, setting forth gross sales of the licensee for the quarter, sales of food and non-alcoholic beverages, and sale of beer. The annual sales report shall either be sent via email to the town recorder or by U.S. mail to the address listed below. Questions may also be addressed to the same e-mail or mailing address.

Town of Nolensville
Annual Sales Reporting
7218 Nolensville Road
P.O. Box 547

Nolensville, TN 37135

(2) Failure of the Licensee to file the required annual report in a timely manner shall be grounds for the Town of Nolensville to revoke the licensee's beer permit.

(3) The licensee shall also be subject to a fifty dollar (\$50.00) a day fine for each day the licensees annual sales report is past due. (as added by Ord. #14-05, April 2014)

CHAPTER 3

PACKAGE LIQUOR STORES

SECTION

- 8-301. Alcoholic beverages subject to regulation.
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- 8-315. Distance from schools, churches, public parks and private residences.
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8-301. 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 town except as provided by Tennessee Code Annotated, title 57, chapter 3. (as added by Ord. #13-02, April 2013)

8-302. Application for certificate and application fee. 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, an application in writing shall be filed with the town recorder on a form to be provided by the town, giving the following information and/or providing the following documentation:

- (1) Name, age and address of the applicant.
- (2) Time of residence in the town.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any town ordinance, and the details of any such conviction.

- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age, and address of the stockholders and their degrees of ownership of stock in the corporation.
- (10) Any financial information the board deems pertinent to the applicant, partnership, corporation, and partners or stockholders.
- (11) The name and address of the owner of the real property of the proposed location and the amount to be paid for rent or purchase together, with a letter from such owner affirming either:
 - (a) That the parties have reached a written agreement on the terms of a lease and setting forth the amount of the rent provided for in the agreement, or
 - (b) That the parties have reached a written agreement on the terms of a sale of the premises to the applicant.
- (12) Copy of site plan of liquor store.
- (13) Copy of business plan including amount of money involved or to be invested, source of funds to be used in the business and amount borrowed, and the name of the persons or entities from whom money is borrowed.
- (14) Copy of partnership agreement, articles of organization and any corporate charter of the applicant.

In no event will the town approve a certificate of compliance if the maximum number of liquor stores pursuant to this chapter have been issued certificates of compliance by the town, have been properly approved by the Alcohol Beverage Commission of the State of Tennessee, and remain in business within the town. A nonrefundable application fee of five hundred dollars (\$500.00) shall be submitted with every application for a certificate of compliance. (as added by Ord. #13-02, April 2013)

8-303. Bi-annual renewal. Each approved applicant that is licensed by the TABC must seek a new certificate of compliance every two (2) years from the date the certificate of compliance is first issued. The person holding the retail liquor license must submit a new application as required by § 8-302 of this chapter. A non-refundable five hundred dollars (\$500.00) fee must be submitted with each renewal request. (as added by Ord. #13-02, April 2013)

8-304. Applicant to agree to comply with laws. The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the town and rules and regulations of the

alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #13-02, April 2013)

8-305. Applicant to appear before board of mayor and alderman; duty to give information. An applicant for a certificate of compliance may be required to appear in person before the board of mayor and alderman for such reasonable examination as may be desired by the board. (as added by Ord. #13-02, April 2013)

8-306. Action on application. Every application for a certificate of compliance shall be referred to the chief of police for investigation and town attorney for review, each of whom shall submit his or her findings to the board of mayor and alderman within thirty (30) days of the date each application was filed with the town. (as added by Ord. #13-02, April 2013)

8-307. Residency requirements. It is not a requirement that the applicant be a bona fide resident of the town. Individual applicants must be a resident of the State of Tennessee as provided in Tennessee Code Annotated, § 57-3-204. (as added by Ord. #13-02, April 2013)

8-308. 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, along or with others, in violation of such laws. (as added by Ord. #13-02, April 2013)

8-309. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the town. The word "indirectly" as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #13-02, April 2013)

8-310. Where establishments may be located. 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 zoned for the purpose which must be one of the following zoned districts CR, CS, or the portion of village zone south of Rocky Fork and Clovercroft Road(s). For

the purpose of this chapter, the establishment shall also be referred to as liquor store or package store or retail store.

No liquor store within the Town of Nolensville shall be closer than one (1) mile from any other liquor store within the town as measured by the most direct driving route along public roads. Only one (1) application approval will be allowed within the CS or portion of village zone south of Rocky Fork and Clovercroft Road(s). One (1) additional application approval will be allowed within the CR zone. (as added by Ord. #13-02, April 2013)

8-311. 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 operating 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 it is open to the public. Liquor stores must be located on a public road.

In addition, all liquor stores shall be a permanent type of construction. No liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system and security systems on the inside and outside of the premises. The minimum square footage of the interior of the liquor store shall be three thousand (3,000) square feet and maximum shall be five thousand (5,000) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway or street to the interior of the liquor store by the way of large windows in the front, and to the extent practicable, to the sides of the building containing the liquor store. All liquor stores shall be subject to the applicable zoning, land use, building and life safety regulations, adopted by the town, unless specifically provided otherwise. Each liquor store must have operating surveillance security system with an alarm system that notifies the town police of break ins. Security tapes and records must be maintained by the liquor store operator for a minimum of fourteen (14) days thereafter. (as added by Ord. #13-02, April 2013)

8-312. Limitation on number of retailers. No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (as added by Ord. #13-02, April 2013)

8-313. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption, or shall be consumed on the premises of the retail seller. (as added by Ord. #13-02, April 2013)

8-314. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, television sets, 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. #13-02, April 2013)

8-315. Distance from schools, churches, public parks and private residences. No liquor store shall be closer than three hundred feet (300') from a church, school, public park building or private residence. Said distance shall be measured from the nearest point of such structure to the nearest public entrance of the proposed retail liquor store, following the usual and customary path of pedestrian travel along streets and/or sidewalks. (as added by Ord. #13-02, April 2013)

8-316. Inspection fee. The Town of Nolensville hereby imposes an inspection fee in the amount of five percent (5%) of the wholesale price of beverages sold to each liquor store as allowed by Tennessee Code Annotated, § 57-3-501 on wholesalers selling alcoholic beverages to retailers of alcoholic beverages located within the corporate limits of the town. (as added by Ord. #13-02, April 2013)

8-317. Monthly sales reports. Each wholesaler making sales to liquor store retailers within the Town of Nolensville shall provide to the town a monthly sales report by the 20th day of the month following the month of sale with the applicable inspection fee as is provided in Tennessee Code Annotated, § 57-3-503. Said report shall be on such form as is required by the Town of Nolensville. Failure to collect or timely file report and/or pay the inspection fee collected shall result in a penalty in the amount of ten percent (10%) of the amount payable by the wholesaler to the town. (as added by Ord. #13-02, April 2013)

8-318. 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 convictions, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the town from exercising any criminal or civil remedies that it may have with respect to violations of this chapter. (as added by Ord. #13-02, April 2013)