

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

1. INTOXICATING LIQUORS.
2. BEER.
3. PACKAGE LIQUOR REGULATIONS.
4. WINE SALES BY RETAIL FOOD STORES.

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

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8-101. Definition of intoxicating liquors. As used in this chapter, unless the context indicates otherwise, "intoxicating liquors" shall be defined to

¹State law reference

Tennessee Code Annotated, title 57.

include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. "Beer" shall be defined pursuant to *Tennessee Code Annotated*, § 57-5-101.

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 Soddy-Daisy, Tennessee. It is the intent of the board of commissioners that the said *Tennessee Code Annotated*, title 57, chapter 4, inclusive, shall be effective in Soddy-Daisy, Tennessee, the same as if said code sections were copied herein verbatim. (2007 Code, § 8-102)

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, § 301) for the City of Soddy-Daisy to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Soddy-Daisy of alcoholic beverages for consumption on the premises where sold. (2007 Code, § 8-103)

8-104. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Soddy-Daisy shall remit annually to the city 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. (2007 Code, § 8-104)

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 City of Soddy-Daisy, pursuant to *Tennessee Code Annotated*, title 57, chapter 4, shall be in accordance with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission. (2007 Code, § 8-105)

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. (2007 Code, § 8-106)

8-107. Brown bagging and corkage, generally. The provisions of this chapter shall apply to all persons who operate an establishment selling setups for mixed drinks or provide corkage setups for wine, and who permit brown bagging in their establishment. It shall not apply to those persons or businesses only having a beer permit as provided in title 8, chapter 2 of the city code or having a permit for the sale of alcoholic beverages for consumption on the premises issued by the alcoholic beverage commission of the state under the provisions of *Tennessee Code Annotated*, § 57-4-201. (Ord. #2010-2011-3, Oct. 2010)

8-108. Definitions. As used in this chapter, the following definitions shall apply:

(1) "Brown bag" or "brown bagging" means the practice of patrons, customers or guests bringing alcoholic beverages upon their premises or any person selling setups for mixed drinks or providing corkage services for wine.

(2) "Corkage" shall mean the practice of providing patrons, customers, or guests with opening devices and glasses in connection with the consumption of wine.

(3) "Person selling setups for mixed drinks" means and includes any person deriving receipts from the sale of setups for mixed drinks consumed on the premises.

(4) "Setups for mixed drinks" means and includes sales of water, soft drinks, fruit juices, or any item capable of being used to prepare a mixed drink at such establishment. (Ord. #2010-2011-3, Oct. 2010)

8-109. Beer board and police to enforce sections. (1) The beer board shall issue permits, and revoke or suspend licenses issued for the activities described in § 8-108, except where such action would be inconsistent with any specific provision of this chapter.

(2) The city police and building inspector shall enforce all laws, ordinances and rules regulating establishments selling setups for mixed drinks, wine consumption, or permitting brown bagging. (Ord. #2010-2011-3, Oct. 2010)

8-110. Hours regulated. No permittee under this chapter shall sell any setup for purposes of mixing with alcoholic beverages, provide corkage services, or permit any alcoholic beverages to be consumed on the premises between the hours of 3:00 A.M. and 6:00 A.M. on any day of the week. The permittee shall not permit or suffer the presence of any alcoholic beverages on the premises during such hours. (Ord. #2010-2011-3, Oct. 2010)

8-111. Sales to incapacitated or incompetent persons prohibited.

No permittee under this chapter shall permit or allow any intoxicated person to be on the premises or to dispense, serve, sell setups, or provide corkage to such persons. (Ord. #2010-2011-3, Oct. 2010)

8-112. Employment of minors. No person under the age of eighteen (18) years shall be permitted to dispense, serve, sell setups, or provide corkage in any establishment which has been issued a permit under this chapter without being in full compliance with *Tennessee Code Annotated*, § 57-3-704. (Ord. #2010-2011-3, Oct. 2010)

8-113. Immoral acts prohibited at premises. It shall be unlawful for any person to appear or be on the premises of a permittee under this chapter so costumed or dressed that one (1) or both breasts are wholly or substantially exposed to public view, and it shall be unlawful for any permittee to permit or allow any such person to appear or be in or on the premises. Further, it shall be unlawful to perform, or for the permittee to allow to be performed, on the premises any of the following acts or kinds of conduct:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;

(3) The actual or simulated displaying of the pubic hair, anus, vulva or genitals;

(4) The permitting by a permittee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus; or

(5) The displaying of films or pictures depicting acts, a live performance of which is prohibited by the sections quoted above. (Ord. #2010-2011-3, Oct. 2010)

8-114. Telephone and reports of disorders. All permittees are required to maintain a telephone in good working order on the premises and to report all fights and other public disorders occurring on such premises immediately, whether or not participants in such disorder have left the premises. (Ord. #2010-2011-3, Oct. 2010)

8-115. Permit: required. No person shall engage in the business of operating establishments selling setups for mixed drinks, providing corkage services, or permit brown bagging on any premises without having been issued a permit therefor. Such permit shall be obtained upon application and payment of fees as hereinafter provided. A duly issued permit shall allow such establishments to permit its patrons, customers, or guests to bring alcoholic

beverages upon its premises for purposes of personal consumption or to otherwise permit brown bagging. (Ord. #2010-2011-3, Oct. 2010)

8-116. Application; fee. (1) All applications for a permit to sell setups for mixed drinks or to permit brown bagging shall be filed with the city recorder. The police department shall make an investigation of the applicant and determine whether or not the location meets all the requirements of this chapter, and report all findings to the beer board. The beer board shall make such other and further investigation it deems advisable and shall issue or deny a permit in its discretion.

(2) The application shall be accompanied by a fee of one hundred dollars (\$100.00) for use in offsetting the expense of investigating the applicant and an annual renewal fee of fifty dollars (\$50.00) every year thereafter to be paid on or before January 1 of each year. (Ord. #2010-2011-3, Oct. 2010)

8-117. Location to be designated. The location of the premises at which the business of the permittee will be conducted shall be designated in the permit and in the application therefor. (Ord. #2010-2011-3, Oct. 2010)

8-118. Grounds for refusal. (1) No permit shall be issued where the operation of the business conducted thereunder may cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this chapter or any other law would be violated, including, but not limited to, the zoning laws. No permit shall be issued to any person or premises wherein a permit to sell beer or other alcoholic beverages or a permit under this chapter has been revoked within three (3) years or is under suspension.

(2) No such establishment shall be located within five hundred feet (500'), as measured from any doorway entrance of the applicant regularly used for public ingress and egress to the nearest doorway entrance to the school, church, or other place of public gathering to the nearest corner of the licensed establishment.

(3) All applicants for a permit shall be required in their application to list and identify all schools, churches, or other places of public gathering which are believed to be within the distance specified in subsection (2) of this section.

(4) The beer board may, in its discretion, require any applicant for a permit to submit as a part of his application a survey by a duly licensed surveyor when a school, church, or other place of public assembly is in close proximity to the premises; and when, because of limiting conditions such as applicant's topography, the accuracy of other methods of measurement is deemed to be inadequate and a survey is deemed reasonably necessary to establish an accurate distance relative to the applicant's entitlement to a permit under the provisions of this section.

(5) To the extent that it shall be called to the attention of the beer board that it may have issued any permit to a location not qualified under the provisions of this section, then it shall be the duty of the beer board, upon notice to the permittee and an opportunity for the permittee to be heard, to revoke any permits which have been issued in violation of this section. (Ord. #2010-2011-3, Oct. 2010)

8-119. When beer board may issue. The beer board shall issue no permit until the application therefor has been approved following a public hearing at regularly scheduled beer board meeting with reasonable public notice. (Ord. #2010-2011-3, Oct. 2010)

8-120. To be posted. Any permit issued under this chapter shall be posted in a conspicuous place on the premises of the permittee. (Ord. #2010-2011-3, Oct. 2010)

8-121. Not transferable. No permit issued by the beer board under the provisions of this chapter shall be transferable from one (1) person to another. (Ord. #2010-2011-3, Oct. 2010)

8-122. Grounds for revocation or suspension. (1) The beer board shall 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 provisions of this chapter or any other ordinance, state law or regulation or federal law or regulation governing the operation of such establishments or when the permittee:

- (a) Operates a disorderly place;
- (b) Allows gambling on the premises;
- (c) Allows fighting or boisterous or disorderly conduct on the premises;
- (d) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude;
- (e) Allows minors to congregate about the premises after normal hours of business;
- (f) Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business at the same location;
- (g) Has made a false statement of a material fact in any application or notice to the board;
- (h) Sells, furnishes, disposes of or gives, or causes to be sold, furnished, disposed of or given, any setup to any person under the age of twenty-one (21) years when it reasonably appears that such person under the age of twenty-one (21) years will use the setup for purposes of mixing a drink with any alcoholic beverages;

(i) Denies access to any portion of the premises wherein the use of setups for mixing alcoholic beverages is permitted, whether or not that portion of the premises issued specifically for the sale of setups;

(j) Has been convicted by final judgment of any court of competent jurisdiction of any crime or misdemeanor involving the sale or consumption of beer or alcoholic beverages;

(k) Allows violation of any provision of this chapter to occur on the licensed premises;

(l) Allows violations of the rules and regulations of the health department; resulting in revocation or suspension of any permit issued by the health department;

(m) Consumes or permits any employee to consume any alcoholic beverages while on the premises, or to be intoxicated while on the premises;

(n) Allows litter or debris to accumulate in or around the premises, including the sidewalks and streets adjacent thereto; and/or fails to provide and maintain adequate solid waste containers and resolve nuisance problems in connection with such containers; or

(o) Allows any server under eighteen (18) years of age to serve any setups without being in full compliance with *Tennessee Code Annotated*, § 57-3-704.

(2) The beer board may also, in its discretion, revoke a permit for due cause not specified herein. (Ord. #2010-2011-3, Oct. 2010)

CHAPTER 2**BEER¹****SECTION**

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- 8-203. Meetings of the beer board.
- 8-204. Record of beer board proceedings to be kept.
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- 8-206. Powers and duties of the beer board.
- 8-207. "Beer" defined.
- 8-208. Permit required for engaging in beer business.
- 8-209. Privilege tax.
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- 8-221. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-222. Approval or rejection of application.
- 8-223. Location of premises to be designated.
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- 8-229. Possession of federal license without city license.
- 8-230. Retailers to purchase from wholesalers licensed by city.
- 8-231. Return of permit after change in ownership.

¹State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in *Watkins v. Naifeh*, 635 S.W.2d 104 (1982).

- 8-232. Prohibited conduct or activities by beer permit holders.
- 8-233. Suspension and revocation of beer permits.
- 8-234. Civil penalty in lieu of revocation or suspension.
- 8-235. Loss of clerk's certification for sale to minor.
- 8-236. Solicitations by home delivery services prohibited.
- 8-237. Permitted hours for sale of beer.
- 8-238. Unauthorized use or consumption of beverages on-premises.

8-201. Beer board established. There is hereby established a board of three (3) members to be known as "The Beer Board of the City of Soddy-Daisy, Tennessee." (2007 Code, § 8-201)

8-202. Term of office; vacancies; chairman. All members of the beer board shall serve at the pleasure of the board of commissioners. In event of a vacancy, the board of commissioners shall fill the same. A chairman shall be elected by the board from among its members. All members of the beer board shall serve without compensation. (2007 Code, § 8-202)

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 city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman; provided he gives reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (2007 Code, § 8-203)

8-204. Record of beer board proceedings to be kept. A record of the proceedings of all meetings of the beer board shall be kept. 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, 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. (2007 Code, § 8-204)

8-205. 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. Any member present but not voting shall be deemed to have cast a "nay" vote. (2007 Code, § 8-205)

8-206. 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. (2007 Code, § 8-206)

8-207. "Beer" defined. The term "beer" as used in this chapter shall mean beer, ale or 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; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (Ord. #2016-2017-7, Dec. 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 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 two hundred fifty dollars (\$250.00). Said fee shall be payable to the City of Soddy-Daisy. 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. (2007 Code, § 8-208)

8-209. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1 of each year to the City of Soddy-Daisy, Tennessee. At the time a new 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. (2007 Code, § 8-209, modified)

8-210. Applications for beer permits- - investigation; assistance by chief of police. The board shall make an investigation of each applicant for a permit to sell beer to determine the character of the applicant and to determine whether or not the applicant is a suitable person to be issued a license or permit and the location of a suitable place within the area authorized as places for the sale of beer. The board may call upon the chief of police to make any investigation and to furnish any information necessary with regard to any applicant. It shall be the duty of the chief of police to cooperate with the beer board in making investigations of applicants and their prospective locations. (2007 Code, § 8-210)

8-211. Granting of beer license. The beer board shall, in its discretion, either grant or refuse a permit or license. All applications for the renewal of a license shall be made and referred to the beer board for its consideration upon an original application. (2007 Code, § 8-211)

8-212. Investigations of permit or license holders charged with certain violations; action by beer board. When any holder of a license or permit for the sale of beer is charged with the violation of any of the laws of the state, this code or other ordinances of the city or for any reasons set out in section of this code, it shall be the duty of the beer board to make an investigation. In order that the beer board may make necessary investigations, it is hereby given authority to issue subpoena for witnesses to appear before it for the purpose of giving testimony. The chairman is authorized to administer the oath to witnesses. The beer board, after its investigation and in its discretion, may either revoke or suspend the license of any licensee. (2007 Code, § 8-212)

8-213. Notification of beer board when license is revoked. When a license for the sale of beer has been revoked, it shall be the duty of the city recorder to furnish the beer board with the name and location of the licensee. (2007 Code, § 8-213)

8-214. Violations to be reported to beer board; police, etc., to cooperate with board. It shall be the duty of the police department and inspectors to report to the beer board any violations of the laws of the state, this code or other ordinances, rules and regulations of the city by any licensee. All police officers and inspectors and the recorder shall cooperate with and furnish all information requested by the beer board. (2007 Code, § 8-214)

8-215. Distribution, sale, etc., lawful. It shall be lawful to distribute, sell, transport, store and possess beer, including ales or other malt liquors of alcoholic content being the definition appearing in *Tennessee Code Annotated*, § 57-5-101 in the city, subject to all the regulations, limitations, and restrictions provided by *Tennessee Code Annotated*, title 57, chapter 5, and subject to the provisions of this title. (2007 Code, § 8-215, modified)

8-216. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for on- and off-premises consumption. A single permit may be issued for on-premises and off-premises 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. (2007 Code, § 8-216)

8-217. Consumption permits. Permits issued by the beer board shall consist of two (2) classes:

(1) **On-premises permit.** An on-premises permit shall be issued for the consumption of beer only on the premises.

(2) **Off-premises permit.** An off-premises permit shall be issued for the consumption of beer only off the premises. (2007 Code, § 8-217)

8-218. Sale of beer for both on-premises and off-premises consumption. A single permit may be issued to sell beer for both on-premises and off-premises consumption at the same location. (2007 Code, § 8-218)

8-219. Limitation on number of permits. There shall be no limit on the number of off-premises permits. There shall be no more than one (1) on-premises permit issued and outstanding at any time for any single location. (2007 Code, § 8-219)

8-220. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within two hundred feet (250') of any hospital, school, church, or other place of public gathering. Such distances shall be measured in a straight line from doorway entrance of the regular public ingress or egress of the building from which the beer will be sold, manufactured, or stored to the doorway entrance of the hospital, school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or other place of public gathering if a valid permit has been issued to any business on that same location as of January 1, 1993. (2007 Code, § 8-220, as amended by Ord. #2021-2022-7, Dec. 2021)

8-221. 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, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant 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. (2007 Code, § 8-221)

8-222. Approval or rejection of application. The beer board shall consider each application filed, and shall grant or refuse the license and permit,

according to its best judgment, under all the facts and circumstances, and endorse its action on the application. The action of the board in granting or refusing a license and permit shall be final, except as it may be subject to review at law. (2007 Code, § 8-222)

8-223. Location of premises to be designated. The location of the premises at which the business of the licensee will be conducted shall be designated in the license, permit, and application therefor. (2007 Code, § 8-223)

8-224. When recorder may issue license. The city recorder shall issue no license until the application therefor has been approved by the beer board and has been instructed by the board to issue same. (2007 Code, § 8-224)

8-225. Restrictions on certain licenses. (1) Hotels. Licenses may be issued to hotels for sale and consumption on the premises in rooms where meals or lunches are served and in guests' rooms.

(2) Clubs and lodges. Licenses may be issued to clubs or lodges which are regularly incorporated, operating under a charter and bylaws, whose members must pay a substantial initiation fee, and which are organized and exist for purposes other than the sale of beverages under such licenses. (2007 Code, § 8-225)

8-226. Licenses to be displayed. The license issued under this chapter shall be posted in a conspicuous place on the premises of the licensee. (2007 Code, § 8-226)

8-227. Permit to be held by owner. A permit shall be valid:

(1) Only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner;

(2) Only for a single location except where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in his discretion operate some or all of such businesses pursuant to the same permit, and a permit cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business; and

(3) Only for a business operating under the name identified in the permit application. (2007 Code, § 8-227)

8-228. Reports by police; hearings on violations. The chief of police and police officers shall notify the beer board of any violations of any of the provisions of this chapter by any person holding a license and permit, and shall

notify any licensee violating any of the provisions of this chapter or other law or ordinance relating thereto to appear before the beer board following any such violation to show cause why license and permit should not be revoked. At such meeting such licensee shall be entitled to a public hearing and to introduce evidence in his behalf. The burden shall be upon the licensee at such hearing to show that he has not been guilty of such violation or any other offense which would justify the revocation of the license and permit. (2007 Code, § 8-228)

8-229. Possession of federal license without city license. The possession by any person of any federal license to sell alcoholic beverages without the corresponding city license required shall be prima facie evidence in all cases that the holder of such federal license is selling beer in violation of the provisions of this chapter. (2007 Code, § 8-229)

8-230. Retailers to purchase from wholesalers licensed by city. It shall be unlawful for any person holding a license for the sale at retail of beer to purchase beer from anyone other than a wholesaler or distributor licensed to carry on business in the city. (2007 Code, § 8-230)

8-231. Return of permit after change in ownership. A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name; provided, however, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of business name. (2007 Code, § 8-231)

8-232. Prohibited conduct or activities by beer permit holders.
It shall be unlawful for any beer permit holder to:

- (1) Employ any minor under eighteen (18) years of age in the sale of beer for on-premises consumption;
- (2) Make or allow any sale of beer to a person under twenty-one (21) years of age;
- (3) Allow any person under twenty-one (21) years of age to loiter in or about place of business;
- (4) Make or allow any sale of beer to intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person;
- (5) Allow drunk persons to loiter about his premises;
- (6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than the definition appearing in *Tennessee Code Annotated*; or
- (7) Fail to provide and maintain separate sanitary toilet facilities for men and women. (2007 Code, § 8-232, modified)

8-233. Suspension and revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board.

Pursuant to *Tennessee Code Annotated*, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated*, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under *Tennessee Code Annotated*, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (2007 Code, § 8-233)

8-234. 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. (2007 Code, § 8-234)

8-235. 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. (2007 Code, § 8-235)

8-236. Solicitations by home delivery services prohibited. Any person who is engaged in accepting orders and making deliveries of beer in the city shall be known and considered as operating a delivery service of beer, and it shall be unlawful for any person engaged in the business of delivery to solicit, either in person or by telephone, the sale or delivery of beer, or to make sales or deliveries except on calls or orders from customers. (2007 Code, § 8-236)

8-237. Permitted hours for sale of beer. Beer can be sold all hours of any day. (Ord. #2018-2019-9, May 2019)

8-238. Unauthorized use or consumption of beverages on-premises. No licensee whose license authorizes sale for consumption off the premises only shall sell for consumption on the premises. No licensee shall allow any liquors or other beverages of greater than the definition appearing in *Tennessee Code Annotated*, § 57-5-101 to be brought on his premises or consumed thereon, nor shall the possession or sale of liquor be permitted on such premises. (2007 Code, § 8-238, modified)

CHAPTER 3

PACKAGE LIQUOR REGULATIONS

SECTION

- 8-301. Alcoholic beverages subject to regulation.
- 8-302. Applicant to agree to comply with laws.
- 8-303. Applicant to appear before city commission; duty to give information.
- 8-304. Action on application.
- 8-305. Applicants for certificate who have criminal record.
- 8-306. Where establishments may be located.
- 8-307. Retail stores to be on ground floor; entrances.
- 8-308. Sales for consumption on-premises.
- 8-309. Amusement devices and seating facilities prohibited in retail establishments.
- 8-310. Consumption of alcoholic beverages on-premises.
- 8-311. Inspection fee.
- 8-312. Violations and penalty.

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 city except as provided by *Tennessee Code Annotated*, title 57, chapter 3. (Ord. #2014-2015-3, Dec. 2014)

8-302. 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 city and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages. (Ord. #2014-2015-3, Dec. 2014)

8-303. Applicant to appear before city commission; duty to give information. An applicant for a certificate of compliance shall be required to appear in person before the city commission for such reasonable examination as may be desired by the board. (Ord. #2014-2015-3, Dec. 2014)

8-304. Action on application. Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the city commission within thirty (30) days of the date each application was filed.

The city commission may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the commission. (Ord. #2014-2015-3, Dec. 2014)

8-305. Applicants for certificate who have criminal record. No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (Ord. #2014-2015-3, Dec. 2014)

8-306. 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 that purpose. No license or permit for retail package store shall be granted which authorizes the sale, storage or manufacture or, in the case of a license primarily for on-premises consumption of beverages within two hundred feet (250') of any hospital, school, church or other place of public gathering. Such distances shall be measured in a straight line from doorway entrance of the regular public ingress or egress of the building from which the alcohol will be sold to the doorway entrance of the hospital, school, church or other place of public gathering.

No liquor store within the City of Soddy-Daisy shall be closer than two (2) miles or ten thousand five hundred sixty feet (10,560') from any other liquor store within the city as measured by the most direct driving route along public roads. (Ord. #2014-2015-3, Dec. 2014, as amended by Ord. #2021-2022-7, Dec. 2021)

8-307. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on-premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

In addition, all liquor stores shall be a permanent type of construction. No liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the interior of the liquor store shall be two thousand (2,000) 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 applicable zoning, land use,

building and life safety regulations adopted by the city, unless specifically provided otherwise. (Ord. #2014-2015-3, Dec. 2014)

8-308. Sales for consumption on-premises. No alcoholic beverages shall be sold for consumption, or shall be consumed, on the premises of the retail seller. (Ord. #2014-2015-3, Dec. 2014)

8-309. Amusement devices and seating facilities prohibited in retail establishments. No pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (Ord. #2014-2015-3, Dec. 2014)

8-310. Consumption of alcoholic beverages on-premises. No alcoholic beverages shall be sold for consumption, or shall be consumed on the premises of the retail seller. (Ord. #2014-2015-3, Dec. 2014)

8-311. Inspection fee. The City of Soddy-Daisy hereby imposes an inspection fee authorized by *Tennessee Code Annotated*, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. There is hereby levied on each licensee an inspection fee of up to five percent (5%), with the exact amount of such percentage to be determined from time to time by the city commission, on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sales from any wholesaler or any other source. Initially this fee shall be set at three percent (3%) and shall be increased to five percent (5%) on July 1, 2016. The licensee shall identify to the city all wholesalers and sources. (Ord. #2014-2015-4, Feb. 2015)

8-312. Violations and penalty. Any violation of this chapter is unlawful and shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the city from exercising any criminal or civil remedies that it may have with respect to violations of this chapter. (Ord. #2014-2015-3, Dec. 2014)

CHAPTER 4

WINE SALES BY RETAIL FOOD STORES

SECTION

8-401. Wine sales by retail food stores authorized as provided by state law.

8-402. No location restrictions.

8-403. Inspections, records required and inspection fees.

8-401. Wine sales by retail food stores authorized as provided by state law. To the extent authorized by *Tennessee Code Annotated*, § 57-3-801 or other applicable state law, it is lawful for retail food stores as defined by *Tennessee Code Annotated*, § 57-3-802(1) to sell wine, as defined by *Tennessee Code Annotated*, § 57-3-802(2) within the corporate limits of the City of Soddy-Daisy. (Ord. #2016-2017-6, Dec. 2016)

8-402. No location restrictions. There are no location restrictions applicable to sales by retail food stores. This exception does not abrogate the limitation set forth in *Tennessee Code Annotated*, § 57-3-806(e) or other applicable state law. (Ord. #2016-2017-6, Dec. 2016)

8-403. Inspections, records required and inspection fees.

(1) Levied. For the purpose of providing a means of regulating the sale of alcoholic beverages within the city and to provide means for enforcing the provisions of this chapter, there is hereby levied and imposed an inspection fee of five percent (5%) on all wine sold to retailers in this city. The fee shall be measured by the wholesale price of the wine sold by each wholesaler and shall be five percent (5%) of such wholesale price. The fee may be added by the wholesaler to invoices for alcoholic beverages sold to licensed retailers. The fees imposed under authority of this section shall be remitted to the finance director of the city, not later than the twentieth day of each month, for the preceding month.

(2) Reports. The finance director shall prepare and make available to each wholesaler and other source vending wine to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(3) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, be cause for suspension of the offending licensee's privilege license for as much as thirty (30) days and, at the sole discretion of the city commission, be cause for revocation of such privilege license. Each such action may be taken by giving written notice thereof

to the licensee, no hearing with respect to such an offense being required. If a licensee has his license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal, the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee. (Ord. #2016-2017-6, Dec. 2016)