

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. ON PREMISES CONSUMPTION OF INTOXICATING LIQUORS.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definitions.
- 8-102. Application of chapter.
- 8-103. Distance limitations on grant of retail licenses.
- 8-104. Powers and duties of mayor generally.
- 8-105. Authority of mayor to call upon finance and police departments in enforcement of chapter.
- 8-106. Classes of licenses issued; restrictions generally.
- 8-107. Retailer's licenses.
- 8-108. Application for license to sell intoxicating liquors.
- 8-109. Wholesaler's license, salesman's and employee's permits, fees, etc.
- 8-110. Books to be kept by wholesalers; inspection fee.
- 8-111. Wholesale stores, etc., not to be located within three hundred feet of churches or schools.
- 8-112. Regulations as to purchase and sale, location of premises, etc.
- 8-113. License fee to be paid by applicant; penalty.
- 8-114. Sunday sales prohibited.
- 8-115. Price lists, etc., to be posted.
- 8-116. Slot machines, etc., on premises of retailers.
- 8-117. Location of bars with respect to retail stores.
- 8-118. Solicitation of orders.
- 8-119. Employment of minors.
- 8-120. Employment of non-citizens.
- 8-121. Sales to minors.
- 8-122. Effect of conviction of felony involving moral turpitude.
- 8-123. Effect of conviction of violating laws relating to alcoholic beverages.
- 8-124. Keeping in unsealed bottles or containers.
- 8-125. Unstamped merchandise.

¹State law reference

Tennessee Code Annotated, title 57.

- 8-126. Sales to persons intoxicated, etc.
- 8-127. Sales on credit.
- 8-128. Sales of more than 20 gallons of alcoholic beverages, record, etc.
- 8-129. Name and license number to be printed on window.
- 8-130. Inspection fee on retailers.

8-101. Definitions. Whenever used in this chapter, unless the context requires otherwise:

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

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

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

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

(5) "Mayor" means the mayor of the city.

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

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

(8) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic saccharine and seasonal conditions, and including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be deemed "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. (1973 Code, § 2-101)

8-102. Application of chapter. It shall be lawful to store, transport, sell, distribute, possess and receive alcoholic beverages in the city within the area set out and defined in § 8-104 of this code, subject to the the license, payment of taxes, limitations, regulations, and conditions herein provided.

Nothing in this chapter is intended to relate to the transportation, storage, sale, distribution, possession or receipt of, or tax upon, any beverage of alcoholic content of five per cent (5%) by weight, or less, and no provision relating thereto shall be considered or construed as modified by this chapter. (1973 Code, § 2-102)

8-103. Distance limitations on grant of retail licenses.

(1) Restrictions upon granting permits. No retailer's license shall be issued to an applicant whose location is less than one thousand (1,000) feet from a church, school, licensed day care center or nursery, or public park. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the church, school, licensed day care center or nursery, or to the center of the main entrance of a public park, where the centerline intersects with the margin of the public road.

The distance between the applicant's place of business and the nearest church, school, park, day care center, or other prohibited use shall be measured and certified by a licensed surveyor, which certification shall accompany the application.

(2) The provisions regarding the distance requirements shall not apply to permittees holding a permit issued prior to the approval date of this section;¹ and in violation of such provisions. Provided, renewal of such permits shall only be granted to those permittees as defined in this chapter, holding valid permits on the effective date of this amendment, and to transferees of such permittees who were operating under valid permits prior to the location of any church, school, nursery or day care center, or public park within one thousand (1,000) feet of the licensee. (1973 Code, § 2-103, as replaced by Ord. #519, May 2002, and amended by Ord. #523, Aug. 2002)

8-104. Powers and duties of mayor generally. The mayor shall have authority, by and with the consent of the city commission, to employ additional necessary clerical help, whose compensation shall be paid out of the funds or receipts collected under this chapter. The mayor shall enforce and administer the provisions of this chapter and the rules and regulations made by him. He shall have and exercise the following functions, duties, and powers:

(1) Issuance of licenses, revocations, etc. To cause to be issued all licenses in respect to, or for the importation, bottling, keeping, giving away, furnishing, possession, transportation, sale, and delivery of alcoholic beverages, and to revoke any license whatsoever, the issuance of which is authorized by this chapter; provided, that the revocation of any license shall be made by the mayor only on account of the violation of or refusal to comply with any of the provisions of this chapter or of any rule or regulation of the mayor, after not less than ten days notice to the holder of the license proposed to be revoked, informing such holder of the time and place of the hearing to be held in respect thereto, and all further procedure with reference to the revocation of any license as shall be fixed and prescribed in the rules and regulations adopted and promulgated by the mayor, which may be repealed or amended from time to time; provided, that in all cases it shall be the mandatory duty of the mayor to revoke any wholesaler's or retailer's license after final judgment or conviction of any offense defined, or upon a finding by him of a violation of this chapter for the second time, whether judgment or conviction ensue or not; provided, further,

¹This section passed as Ord. #519, May 2002.

that no person shall be deemed to have a property right in any license issued hereunder, nor shall the license itself, or the enjoyment thereof, be considered a property right.

If, upon investigation, the mayor finds that the applicant for a license or permit has concealed or misrepresented in writing, or otherwise, any material fact or circumstance concerning the operation of the business or employment, or if the interest of the applicant in the operation of the business or employment is not truly stated in the application or in case of any fraud or false swearing by the applicant touching any matter relating to the operation of the business or employment, the mayor shall refuse to cause a license or permit to be issued. If a license or permit has been issued, the mayor shall issue a citation to the licensee or permittee to show cause why his license or permit should not be suspended or revoked. All data, written statements, affidavits, evidence or other documents submitted in support of an application shall be deemed to be a part of the application.

The mayor shall have the right to summon any applicant for a license or permit and also to summon and examine witnesses and to administer oaths to such applicants and witnesses in making any investigation in regard thereto. No retail license shall be issued except to an individual operating as such, or to individuals operating a general or limited partnership.

(2) Rules and regulations. To make, promulgate, alter, amend, or repeal rules and regulations for the enforcement of this chapter or the collection of all license fees and taxes, and all penalties and forfeitures relating thereto.

(3) Form of applications, licenses, etc. To prescribe all forms of applications and licenses, and of all reports and all other papers and documents required to be used under or in the enforcement of this chapter.

(4) Prevention of connecting premises from being used as a subterfuge. To prevent parts of the premises connected with or in any sense used in connection with the premises whereon the possession, transportation, delivery, receipt, sale, or purchase of alcoholic beverages may be lawful from being used as a subterfuge or means of evading the provisions of this chapter or the rules and regulations of the mayor.

(5) Coordination of practices, methods, etc. To conform, or to adopt, or to coordinate, to the extent that the mayor may deem proper, the practices, methods, standards, rules, and regulations governing traffic in alcoholic beverages, and in alcohol, with the rules, practices, standards, and regulations established by the government of the United States, or any officer, bureau, or agency thereof.

(6) Removal of bottles, etc., likely to be used in evading ordinance. To require, on licensed premises, the destruction or removal of any and all bottles, whether empty or otherwise, cases, containers, apparatus, or devices, used or likely to be used, or designed or intended, or employed in evading, violating, or preventing the enforcement of this chapter or the rules or regulations of the mayor.

(7) Advertising, signs, etc. To regulate advertising, signs and displays, posters, or designs intended to advertise any alcoholic beverage or the place where the same is sold. (1973 Code, § 2-104)

8-105. Authority of mayor to call upon finance and police departments in enforcement of chapter. In order to carry out the provisions of this chapter, the mayor is hereby authorized to call upon any employee in the department of finance, as well as upon any member of the police department, to assist in the enforcement of the provisions of this chapter. (1973 Code, § 2-105)

8-106. Classes of licenses issued; restrictions generally. The mayor may cause to be issued, under the provisions of this chapter, the following classes of licenses, licensing the duly qualified holders thereof:

(1) Classes. Licenses in relation to alcoholic, spirituous beverages exclusively shall consist of the following classes only:

(a) Liquor wholesaler's license.

(b) Liquor retailer's license.

(2) Transfer; duration. The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed each calendar year by the payment of the license fee herein provided; provided, however, that licensees who are serving in the military forces of the United States in time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee under this chapter, including the furnishing of a certificate of good moral character. No person who is ineligible to obtain a license under this chapter shall be eligible to serve as the agent of a licensee under this section.

(3) Vision into places of sale, etc., not to be obstructed. It shall be the policy of this chapter that, to the fullest extent consistent with the nature of the establishment, full, free, and unobstructed vision shall be afforded from the street and public highway of the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(4) Interest of mayor and employees. The mayor or any one employed pursuant to the provisions of this chapter, shall have no interest, direct or indirect, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or on any premises where alcoholic beverages are sold; nor shall they have any interest, direct or indirect, in any business wholly or partially devoted to the sale, transportation, or storage of alcoholic beverages.

(5) Interest of brewer or wholesaler. No brewer or wholesaler shall have any interest in the business or building containing licensed premises of any

other person having a license under this chapter or in the fixtures of any such person.

(6) Issuance of license where former license has been revoked. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one year from the date such revocation becomes final and effective. (1973 Code, § 2-106)

8-107. Retailer's licenses. For the retail sale of alcoholic, spirituous beverages, a license may be issued as herein provided. Any person desiring to sell alcoholic, spirituous beverages to patrons or customers, shall make application to the mayor for a retailer's license, which application shall be in writing, and verified, on forms herein authorized to be prescribed and furnished; and the mayor may, subject to the restrictions of this chapter, cause such retailer's license to be issued.

(1) Fee; citizenship requirements. Such retailer's license shall not be issued unless and until the applicant therefor shall pay to the city a license fee of two hundred and fifty dollars and no license shall be issued except to individuals who are, and have been for at least two years, citizens of the State of Tennessee.

(2) Employee's permit required. Every retail licensee shall, before employing any person to dispense alcoholic beverages, secure from the recorder, upon the order of the mayor, an employee's permit authorizing such person to serve as an employee in the place of business of the retailer. It is made the duty of the retailer to see that each person dispensing alcoholic beverages in his place of business has an employee's permit, as above required, which permit must be on the person of such employee or upon the premises of the licensee at all times, subject to inspection by the mayor or his duty authorized agent. The applicant for such employee's permit shall pay to the city the sum of five dollars therefor.

(3) Duration of employee's permits; revocation, etc. Employee's permits issued pursuant to the provisions of this section shall be issued at any time and shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed each calendar year by the payment of the fee herein provided, and shall be subject to revocation or suspension by the mayor for violation of this chapter or any rule or regulation promulgated by the mayor pursuant thereto. Applications for renewal shall be made in the same manner as applications for original permits upon forms to be prescribed by the mayor. Such permits shall not be transferable and must be surrendered to the mayor within five days from the date the holder thereof ceases to represent or work for the employer, and it shall be the duty of the employer to notify the mayor within five days of the termination of the employment for which such permit was issued.

(4) Limitation on number of licenses to be issued. No person, firm, or corporation shall be licensed under this chapter to engage in the sale or distribution of alcoholic beverages in excess of three (3). No other license to engage in the retail sale of alcoholic beverages within the limits of the said city shall be issued, unless and until some person, firm, or corporation holding such

a license discontinues the operation of a retail liquor establishment. Provided, however, that nothing in this section shall prohibit or in any manner affect the renewal of any retail license in the continuation or operation of any retail store licensed and in operation on January 15, 1970. (1973 Code, § 2-107, as amended by Ord. #599, Jan. 2005, and Ord. #791, Oct. 2012)

8-108. Application for license to sell intoxicating liquors. All persons desiring to engage in the sale of spirituous liquors or vinous liquors at retail in the city shall give notice of the purpose of making such application by advertising one time in a daily paper published in the city, having general circulation among the citizens of the city, which notice shall contain a particular description of the location of the proposed liquor business, the name of the applicant, and if a partnership the names of the partners. The applicant shall make written application to the mayor of the city for such privilege upon forms to be prepared and approved by the mayor, which application shall give the name and address of the applicant, place where the proposed business is to be located, nature and character of the business to be carried on, and, if a partnership, the names of the partners and such other information as may be required by the mayor.

The application shall be sworn to and when so filed with the mayor shall be investigated and shall not be acted upon by the mayor until ten days after the filing of the application. The running of the notice in the newspapers may be concurrently made at the time the application for license is filed. If advertisement be not made before the filing of the application, the application shall state that the advertisement is being made. (1973 Code, § 2-108)

8-109. Wholesaler's license, salesman's and employee's permits, fees, etc. Any person or general or limited partnership desiring to sell at wholesale any alcoholic, spirituous beverages shall make application to the mayor for a license, which application shall be in writing and verified, on the forms herein authorized to be prescribed and furnished. Thereupon the mayor may cause to be granted such license subject to the restrictions of this chapter.

Such wholesaler's license, however, shall not be issued unless and until there shall be paid to the city a separate license fee therefor of five hundred dollars, and no license shall be issued except to individuals who are, and have been for at least two years, citizens of the State of Tennessee.

No wholesale alcoholic, spirituous beverage license shall be issued until the applicant has secured a basic permit to engage in the wholesale liquor business from the federal government.

Each representative or salesman of any wholesale licensee in this state must obtain a permit from the city upon the order of the mayor before soliciting orders from retail licensees. The fee for such permit shall be ten dollars. No other person shall be allowed to solicit orders for alcoholic beverages from retail licensees and retail licensees shall not give an order to anyone other than the holder of a wholesale salesman's permit. Every wholesale licensee shall, before employing any person to dispense alcoholic beverages, secure from the city, upon

the order of the mayor, an employee's permit authorizing such person to serve as an employee in the place of business of the wholesaler. It is made the duty of the wholesaler to see that every person dispensing alcoholic beverages in his place of business has an employee's permit as above required, which permit must be on the person of such employee or upon the premises of the licensee at all times and be subject to inspection by the mayor or his duly authorized agent. The applicant for such employee's permit shall pay to the city the sum of one dollar therefor. (1973 Code, § 2-109)

8-110. Books to be kept by wholesalers; inspection fee. All wholesalers of spirituous liquor shall keep a book in which they shall cause each purchaser of spirituous liquor to enter his name, address, and the amount, serial and stamp number of such liquor. It shall be the duty of the police department of the city to inspect such books at regular intervals and make such other investigations as will promote the enforcement and tend to prevent the violation of the liquor laws of the city.

Each wholesaler, on taking out a license and on the first day of July thereafter, shall, as a part of the application for such license, pay and agree to pay the sum of \$250.00 as an inspection fee, all of which wholesale inspection fees shall be used in enforcing the liquor laws; provided, however, that after the initial payment of \$250.00 with such application a renewal fee from year to year shall not be required. (1973 Code, § 2-110)

8-111. Wholesale stores, etc., not to be located within three hundred feet of churches or schools. No wholesale license shall be issued to any person where the wholesale store or warehouse is located within three hundred feet of any church or school measured by the nearest point adjacent thereto. (1973 Code, § 2-111)

8-112. Regulations as to purchase and sale, location of premises, etc. (1) License required for sale or purchase. No retailer shall purchase any alcoholic beverages from anyone other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverages to anyone other than a retailer licensed under this chapter.

(2) Retailer limited to one place of business. No retailer shall, directly or indirectly, operate more than one place of business, and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest, or otherwise.

(3) [Deleted.]

(4) Requirements as to wholesalers. No alcoholic beverage for sale to the retailer or his representative, shall be sold except by a licensed wholesaler, who sells for resale on his premises and who carries on no other business, directly or indirectly, and whose wholesale business in alcoholic beverages is not operated as an adjunct to, or supplementary to, the business of any other person, either by way of lease of such wholesale premises or otherwise, for any business other than that permitted by the terms of his wholesale license.

(5) Sales in connection with other business prohibited. No licensee shall sell alcoholic beverages at retail in connection with any wholesale business or as a part of, or in connection with, any other business or in the same store where any other business is carried on.

(6) Location of premises; entrances and exits. No wholesaler or retailer shall be located except on the ground floor and shall have one main entrance opening on a public street; such place of business shall have no other entrance for use by the public except as hereafter provided. When a wholesale or retail store is located on the corner of two public streets such wholesale or retail store may maintain a door opening on each of the public streets; provided, however, that any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby so long as same shall be open to the public; and provided, further, that every wholesale and retail store shall be provided with whatever entrances and exits may be required by existing or future municipal ordinances. (1973 Code, § 2-112, as amended by Ord. #599, Jan. 2005)

8-113. License fee to be paid by applicant; penalty. The license fee for every license issued under this chapter shall be payable by the person making application for such license and to whom it is issued, and no other person shall pay for any license issued under this chapter. In addition to all other penalties provided for violations of this chapter, a violation of this section shall authorize and require the revocation of the license the fee for which was paid by another, and also the revocation of the license, if any, of the person so paying for the license of another. (1973 Code, § 2-113)

8-114. Sunday sales prohibited. Retail dealers in spirituous or vinous liquors shall not engage in the sale of such liquors between the hours of 11 P.M. on Saturdays and 8 A.M. on Monday. (1973 Code, § 2-114)

8-115. Price lists, etc., to be posted. Each retail licensee shall have conspicuously displayed within the interior of the licensed premises not less than four copies of a printed price list of the liquors offered for sale, and one typed or printed copy of this chapter. (1973 Code, § 2-115)

8-116. Slot machines, etc., on premises of retailers. No retail dealer shall permit on his premises any slot machines or mechanical music boxes or pinball machines of any kind or character. (1973 Code, § 2-116)

8-117. Location of bars with respect to retail stores. It shall be unlawful, within one hundred feet of any retail liquor store, to operate or conduct in the city any place of business to which the public are admitted for the consumption of alcoholic beverages, as defined by Pub. Acts 1939, ch. 49. (1973 Code, § 2-117)

8-118. Solicitation of orders. No holder of a license issued under this chapter shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This section shall not be construed so as to prohibit the solicitation by a distiller, rectifier, or vintner of an order from any licensed wholesaler at the licensed premises of such wholesaler, nor to prohibit the solicitation by a licensed wholesaler of an order from any retailer at the licensed premises. (1973 Code, § 2-118)

8-119. Employment of minors. No wholesaler or retailer, or any employee thereof, engaged in the physical storage, sale, or distribution of alcoholic beverages shall be a person under the age of eighteen years. It shall be unlawful for any wholesaler or retailer to employ any person under eighteen years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under such age on his place of business to engage in the storage, sale, or distribution of alcoholic beverages. (1973 Code, § 2-119)

8-120. Employment of non-citizens. No person shall be employed in the storage, sale, or distribution of alcoholic beverages except a citizen of the United States. (1973 Code, § 2-120)

8-121. Sales to minors. No retailer shall sell any alcoholic beverages to a person known to be a minor. (1973 Code, § 2-121)

8-122. Effect of conviction of felony involving moral turpitude.

No wholesaler or retailer shall be a person who has been convicted of a felony involving moral turpitude within ten years prior to the time he or the concern with which he is connected shall receive a license; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction and in case of any such conviction occurring after a license has been issued and received, the license shall immediately be revoked, if such convicted felon be an individual licensee, and, if not, the partnership, corporation, or association with which he is connected shall immediately discharge him.

No wholesaler or retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who within ten years prior to the date of his employment shall have been convicted of a felony involving moral turpitude, and in case an employee should be so convicted, he shall be immediately discharged; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction. (1973 Code, § 2-122)

8-123. Effect of conviction of violating laws relating to alcoholic beverages. None of the licenses or permits provided by this chapter, or which may be issued hereunder, shall under any condition be issued to any person who, within ten years preceding application for such license or permit shall have been convicted of any offense under the laws of the State of Tennessee, of any other state, or the United States, prohibiting or regulating the sale, possession, transportation, storing, or otherwise handling alcoholic beverages or who has during said period been engaged in business, alone or with others, in violation of any of such laws or rules and regulations promulgated pursuant thereto, as they exist at the time of the adoption of provisions in this chapter or may exist hereafter. (1973 Code, § 2-123)

8-124. Keeping in unsealed bottles or containers. No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottle or other unsealed container. (1973 Code, § 2-124)

8-125. Unstamped merchandise. No retail licensee as herein defined shall own, store, or possess upon the licensed premises any unstamped merchandise required by the laws of Tennessee to have affixed thereto revenue stamps of the state. (1973 Code, § 2-125)

8-126. Sales to persons intoxicated, etc. No retailer shall sell any alcoholic beverages to any person who is drunk, nor to any person accompanied by a person who is drunk. (1973 Code, § 2-127)

8-127. Sales on credit. No holder of a license for the sale of alcoholic beverages for wholesale or retail shall sell, deliver, or cause, permit, or procure to be sold or delivered, any alcoholic beverages on credit, except holders of wholesale licenses may sell on not more than ten days credit. (1973 Code, § 2-128)

8-128. Sales of more than 20 gallons of alcoholic beverages, record, etc. No retailer shall sell on any one day to any one individual more than twenty (20) gallons of alcoholic beverages unless the purchaser is known to the retailer and the retailer believes in good faith that the purchaser is not engaged in the unlawful sale of alcoholic beverages. In all sales of more than twenty (20) gallons of alcoholic beverages by retailers to any one person, the retailer shall cause the purchaser to enter upon a book, kept by the retailer as a public record, the name, address, date, and quantity of such alcoholic beverages sold to such purchaser. Any false statement made by the purchaser shall be a misdemeanor. (1973 Code, § 2-129)

8-129. Name and license number to be printed on window. Each person licensed to sell alcoholic beverages at retail shall have printed on the front window of the licensed premises the name of the licensee, together with the inscription, "City Retail License No..." in uniform letters of not less than four inches in height. (1973 Code, § 2-130)

8-130. Inspection fee on retailers. (1) Pursuant to Tennessee Code Annotated, § 57-3-501, there is hereby levied upon every licensed retailer of alcoholic beverages located and doing business within the corporate city limits/city boundaries of the City of Fairview, Tennessee, an inspection fee of five percent (5%) of the wholesale price, paid by such retailer to a wholesaler, of all alcoholic beverages supplied by a wholesaler of alcoholic beverages to such retailer: said fee to be collected by the wholesaler as hereinafter provided.

(2) The inspection fee shall be collected by the wholesaler from the retailer following notice given the wholesaler by the recorder of the City of Fairview, Tennessee, of the existence of this section. The inspection fee shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(3) Every wholesaler making sale of alcoholic beverages to retailers thereof located and doing business within the corporate limits of the City of Fairview, Tennessee, shall furnish the city a report monthly, which report shall contain a list of the alcoholic beverages sold to each retailer located within the municipality, the wholesale price of the alcoholic beverages sold to each retailer

and the amount of tax due. Such monthly reports shall be furnished the City of Fairview not later than the 20th day of the month following the month in which the sales were made. All inspection fees collected by a wholesaler from any retailer located within the City of Fairview shall be paid to the city at the time the monthly report is made. Wholesalers collecting and remitting the above inspection fee to the city shall be entitled to reimbursement for this collection service of a sum equal to five per cent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city.

(4) Failure of any such wholesaler to collect or timely report and/or pay the inspection fee collected to the city, as aforesaid, shall result in a penalty of ten per cent (10%) of the inspection fees due the city, which shall be payable to the city.

(5) The City of Fairview, Tennessee, shall have the authority to audit the records of all wholesalers and retailers subject to the provisions of this chapter in order to determine the accuracy of the reports of the wholesalers.

(6) The inspection fee herein provided for shall be in lieu of all other gross receipt inspection fees imposed upon wholesalers or retailers of alcoholic beverages by the city. (1973 Code, § 2-131, as amended by Ord. #653, Dec. 2006)

CHAPTER 2

BEER¹

SECTION

- 8-201. Lawful but subject to regulation.
- 8-202. "Beer" defined.
- 8-203. Beer board established.
- 8-204. Meetings of the beer board.
- 8-205. Record of beer board proceedings to be kept.
- 8-206. Requirements for beer board quorum and action.
- 8-207. Powers and duties of the beer board.
- 8-208. Permit required for engaging in the beer business.
- 8-209. Restrictions upon granting permits.
- 8-210. Applications for retail permits; requirements as to applicants; regulations to be followed and shown in the application.
- 8-211. Terms and restrictions of permits.
- 8-212. Transfer, renewal or lapse of beer permits.
- 8-213. Display of permit.
- 8-214. Interference with public health, safety, and morals prohibited.
- 8-215. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-216. Issuance of permits to hotels, clubs, etc.
- 8-217. Retail premises: restrictions, frontage, curtains, blinds, etc.
- 8-218. Sanitation requirements for premises covered by on premises permit.
- 8-219. Minors; fraudulent evidence of age, etc.
- 8-220. Prohibited conduct or activities by beer permit holders.
- 8-221. Changes of management or ownership interest to be reported.
- 8-222. Suspension and revocation of beer permits.
- 8-223. Employees liable for violations.
- 8-224. Privilege tax.

8-201. Lawful but subject to regulation. It shall hereafter be lawful to transport, store, sell, distribute, possess, receive, or manufacturer beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, or any other beverages of like alcoholic content, within the corporate limits of the City of Fairview, Tennessee, subject to all of the regulations, limitations and

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).

restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (1973 Code, § 2-201)

8-202. "Beer" defined. The term "beer," as used in this chapter, shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five per cent (5%) by weight. (1973 Code, § 2-202)

8-203. Beer board established. (1) Membership. There is hereby established a beer board to consist of seven (7) members; five (5) members shall be members of the board of commissioners; the other two (2) members shall be citizens and residents of the City of Fairview. All members of the beer board shall be appointed by the board of commissioners of the city and will serve until replaced by the board of commissioners.

(2) Compensation. All members of the beer board shall serve without compensation.

(3) Term of office. Except for the initial appointments, the terms of the seven (7) members shall be for four (4) years each. The two (2) citizens and residents of the City of Fairview first appointed as members of the beer board shall be appointed for terms of one (1), and three (3) years respectively so that the terms of members expire every other year. The members of the board of commissioners first appointed as members of the beer board shall have his/her term to run concurrently with his/her term of office. The board will elect a chairman who will preside when present and a vice chairman who will preside in the chairman's absence. (1973 Code, § 2-203)

8-204. Meetings of the beer board. All meetings of the beer board shall be open to the public. The beer board will establish a regular monthly meeting date and time and will publish the date and time for the meetings in a newspaper of local circulation. The board shall meet at the designated times and place whenever there is business to come before the board. (1973 Code, § 2-204)

8-205. Record of beer board proceedings to be kept. The 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: 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. The recorder shall also maintain an up-to-date list of the names and addresses of all beer permit holders. (1973 Code, § 2-205)

8-206. 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. (1973 Code, § 2-206)

8-207. 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 the City of Fairview in accordance with the provisions of this chapter. (1973 Code, § 2-207)

8-208. Permit required for engaging in the 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 T.C.A. § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). 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. (1973 Code, § 2-208)

8-209. Restrictions upon granting permits. No permit shall be issued to sell any beverage coming within the provisions of this chapter:

(1) In violation of any provisions of the state law.

(2) In violation of the zoning ordinance of the City of Fairview, Tennessee.

The judgment 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.

(3) (a) For any location which is less than five hundred (500) feet from a church, licensed day care center or nursery, school, or official designated entrance to a public park. No retailer's (on-site consumption) permit shall be issued to an applicant whose location is less than five hundred (500) feet from a church, school, licensed day care center or nursery, or official designated entrance to a public park; unless and until the person or entity applying for a permit shall file with the application for said permit a duly executed and recorded waiver (on the form provided by the City of Fairview, Tennessee) of the five hundred (500) feet distance requirement from a church, school, licensed day care center or nursery, or official designated entrance to a public park as contained in this section. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the church, school, licensed day care center or nursery, or to the center of the official designated entrance of a public park, where the centerline intersects with the margin of the public road. The provisions regarding the distance requirements shall not apply to permittees holding

a permit issued prior to the approval date of this section and in violation of such provisions. Provided, renewal of such permits shall only be granted to those permittees as defined in this chapter, holding valid permits on the effective date of this amendment, and to transferees of such permittees who were operating under valid permits prior to the location of any church, school, nursery or day care center, or official designated entrance to a public park within five hundred (500) feet of the licensee.

(b) Off-site consumption (package stores). For any location which is less than one hundred (100) feet from a church, licensed day care center or nursery, school, or official designated entrance to a public park. No retailer's off-site consumption (package store) permit shall be issued to an applicant whose location is less than one hundred (100) feet from a church, school, licensed day care center or nursery, or official designated entrance to a public park, unless and until the person or entity applying for a permit shall file with the application for said permit a duly executed and recorded waiver (on the form provided by the City of Fairview, Tennessee) of the one hundred (100) feet distance requirement from a church, school, licensed day care center or nursery, or official designated entrance to a public park as contained in this section. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the church, school, licensed day care center or nursery, or to the center of the official designated entrance of a public park, where the centerline intersects with the margin of the public road. The provisions regarding the distance requirements shall not apply to permittees holding a permit issued prior to the approval date of this section and in violation of such provisions. Provided, renewal of such permits shall only be granted to those permittees as defined in this chapter, holding valid permits on the effective date of this amendment, and to transferees of such permittees who were operating under valid permits prior to the location of any church, school, nursery or day care center, or official designated entrance to a public park within one hundred (100) feet of the licensee. (1973 Code, § 2-209, as amended by Ord. #523, Aug. 2002; Ord. #540, April 2003; and Ord. #596, Dec. 2004)

8-210. Applications for retail permits; requirements as to applicants; regulations to be followed and shown in the application. Applications may be made by owners, operators, or managers of businesses located within the city limits of Fairview. All applications for retail beer permits will be accompanied by an application fee of two hundred fifty dollars (\$250.00) and shall reflect, or be subject to the following:

(1) That neither the applicant, nor any other persons having an interest in the business, nor any persons employed by the applicant in such

distribution or sale shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture or transportation of intoxicating liquor or any crimes involving moral turpitude within the past 10 years.

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

(3) The owner or owners of such premises.

(4) The names and addresses of all other persons or firms who have any financial interests whatsoever in the beer business proposed to be established.

(5) Whether the applicant will permit dancing in the establishment, and if so whether or not he will have at least seven hundred and fifty (750) square feet of dancing area.

(6) Whether the applicant will operate the business in person or by agent and, if by agent, the name and address of such agent.

(7) That no person will be employed in the storage, sale, or manufacture of such beverages except those who are citizens of the United States.

(8) 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.

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

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

(11) That no sale will be made to minors and that the applicant will not permit minors or disorderly or disreputable persons to loiter around the place of business.

(12) That the applicant will be responsible for any gambling¹ on his premises and his permit shall be subject to revocation by reason of the same.

(13) The applicant will not allow any liquor with an alcoholic content greater than five percent (5%) to be consumed on his premises.

(14) That the applicant must secure a certificate or a statement from the health department or health officer that the premises which the application covers meets the requirements of § 8-219 of this municipal code.

(15) (a) The application shall be made in accordance with and upon forms furnished by the City of Fairview, Tennessee. Each application shall be accompanied by copies of the applications for a background check by the person applying for the permit. The background check must be applied for to the Tennessee Bureau of Investigation (TBI). No permit will

¹Tennessee Code Annotated, § 39-17-509, passed subsequent to the enactment of this section, prohibits enforcement of this section.

issue (except as outlined in (b) herein) prior to receipt of a favorable report from the TBI.

(b) For good cause shown, and upon request by the person seeking a permit and only after all documents required in (a) above have been submitted to the city recorder, the city recorder or other appropriate city official may receive and accept a written request from the permit applicant that a temporary beer permit be issued to an applicant for a period not to exceed thirty (30) days from original issue. Upon expiration of the thirty (30) days, the temporary permit will expire without further action by the city. Upon request by an applicant for a temporary permit, the city recorder or city official will contact the members of the beer board by telephone or electronic means and submit to the beer board members copies of the application submitted and the written request that has been submitted for a temporary beer permit. The beer board shall communicate to the city recorder or other appropriate city official who submitted the request to the beer board member within twenty four (24) hours of the receipt by the individual beer board member of the temporary beer permit request. If a majority of the beer board members approve, the temporary beer permit will issue as outlined herein. The temporary permit shall have affixed on its face the date of issue, the date of expiration and the notation "temporary."

The city recorder or appropriate city official shall record in the file of the permit holder the vote and the reasons therefore by each member of the beer board relative to the application for any temporary beer permit.

(16) No permit shall be issued by the beer board until the application therefor shall have been subscribed to and approved in writing by the city attorney. However, the city attorney is only authorized to disapprove applications when there is a failure to comply with a city ordinance or state law governing the issuance of permits.

(17) Application fees are to cover the expense of review by the city attorney, security checks by law enforcement officials and other administrative costs incident to the application and are not refundable in the event that the board denies the application for any reason. (1973 Code, § 2-210, modified, as amended by Ord. #657, March 2007, Ord. #753, May 2009, and Ord. #800, March 2013)

8-211. Terms and restrictions of permits. Beer permits are effective for a period of one year from the date of issuance. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for "off 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. (1973 Code, § 2-211)

8-212. Transfer, renewal or lapse of beer permits. (1) Beer permits shall not be transferable from one person to another or from one location to another. A new permit is required in the manner provided.

(2) Upon expiration of a permit, one year from the date of issuance, permits may be renewed for an additional year by permit holders automatically by the permit holder executing a renewal affidavit averring that he is continuing to operate under his license, that the location of his business is not changed, submittal of proof of a current background check by the permit holder in accordance with title 8, chapter 2, § 8-210(15)(a) of the Fairview, Tennessee Municipal Code and upon payment of a renewal fee of twenty-five dollars (\$25.00).

(3) If any permit holder during the term of his permit should cease operation and sell for a period in excess of thirty (30) days, then the permit should lapse and a new application pursuant to these provisions will be required to be submitted and approved prior to resuming beer sales. (1973 Code, § 2-212, as amended by Ord. #754, May 2009)

8-213. Display of permit. 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, renewals, and stamps as required by law. (1973 Code, § 2-213)

8-214. 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. (1973 Code, § 2-215)

8-215. 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. (1973 Code, § 2-216)

8-216. Issuance of permits to hotels, clubs, etc. It shall be lawful for the beer board to issue permits for the sale of any beverage coming within the provisions of this chapter, to hotels, motels, clubs, or lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (1973 Code, § 2-217)

8-217. Retail premises: restrictions, frontage, curtains, blinds, etc.

No permit to sell at retail, beverages coming within the provisions of this chapter, shall be issued for the operation of any place except one with enough of the front enclosed in glass and of such design that the interior can be easily seen from the sidewalk or street in front of such place. No curtains, drapes, shades, blinds, screens, or other thing shall be used in the front of any place that hinders a clear and unobstructed view of the interior of such place from the sidewalk or street in front of such place. All places shall be adequately lighted. No permit shall be issued to a place used as a private dwelling. (1973 Code, § 2-218)

8-218. Sanitation requirements for premises covered by on premises permit.

Any person holding a permit under this chapter for sale for consumption on the premises shall keep and maintain the premises in a clean and sanitary condition. The city health officer or any properly authorized person is hereby authorized to enter the premises, at all reasonable hours, for making such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the City of Fairview. (1973 Code, § 2-219)

8-219. Minors; fraudulent evidence of age, etc.

It shall be unlawful for any minor to purchase, attempt to purchase, or to possess any beverage covered under this chapter, or for anyone to purchase such beverage for a minor. It shall be unlawful for any minor to present or 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 purchasing or attempting to purchase such beverages. Any minor who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and shall be taken before the juvenile judge for appropriate disposition. (1973 Code, § 2-220)

8-220. 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, service, or dispensing of beer at retail.

(2) Make or allow any sale of beer at any hour of any day that is inconsistent with the hours authorized by the rules and regulations promulgated by the alcoholic beverage commission of the State of Tennessee (as may be altered by said commission from time to time) for establishments selling liquor by the drink. For clarification, those hours currently are no sales Monday through Saturday 3:00 A.M. to 8:00 A.M. and Sunday 3:00 A.M. to 10:00 A.M. on Sunday. These hours will automatically be changed to conform with any changes to the hours authorized by the rules and regulations promulgated by

the alcoholic beverage commission of the State of Tennessee if and when changes are made.¹

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

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

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

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

(7) Allow drunk or disreputable persons, or persons of questionable character, to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcohol beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Allow dancing on his premises specified in the license application unless he pays a one hundred dollar (\$100.00) annual inspection fee.

(10) [Repealed.] this subsection repealed by Ord. #416, § 2, June 1997.

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

(12) Sell or transfer the equipment or assets of the business authorized by permit to another for the purpose of conducting the business on the same premises, unless he shall notify the board in writing immediately upon such sale or transfer, and shall surrender his license within thirty (30) days after said sale or transfer. (1973 Code, § 2-221, as amended by Ord. #375, June 1995, modified, amended by Ord. #416, §§ 1 and 2, June 1997, and Ord. #800, March 2013)

8-221. Changes of management or ownership interest to be reported. Any change of management or ownership by a permit holder, short of the transfer of all assets, must be reported in writing by the permit holder within 30 days of the change. This report must identify all persons newly acquiring an interest in the business stating their exact interest. If the business is operated through an agent, any change of agent must likewise be reported. The report must certify that the new owners, agents, or managers have not been convicted of any of the offenses described in § 8-210(3) of this code. (1973 Code, § 2-222)

8-222. Suspension and revocation of beer permits. (1) All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the board when holder thereof is guilty of making

¹State law reference

Tennessee Code Annotated, § 57-5-301(2)(5)(A).

a false statement or misrepresentation in his application or of violating any of the provisions of this chapter.

(2) Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board, and the 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.

(3) Complaints filed against any permit holder for the purpose of suspending or revoking his permit 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 violation, and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by certified/registered letter or by a member of the police department of the City of Fairview, Tennessee. 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 suspended or revoked until a public hearing is held by the board after the above referenced notice has been given to the permittee. Suspensions may be for periods of thirty (30), sixty (60), or ninety (90) days or for other times deemed appropriate by the board depending upon the severity of the violations, and within the discretion of the minors under the age of eighteen (18) years may result in suspensions of permits for six (6) months, one (1) year or two (2) years in the discretion of the 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. 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.

(a) Civil penalty in lieu of revocation or suspension.

(i) 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.

(ii) 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.

(b) 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 certification for a period of one (1) year from the date of the beer board's determination.

(4) Upon a permit holder receiving three (3) suspensions within a period of one (1) year, the period of suspension for the third charge so sustained by evidence will be not less than one (1) year.

(5) 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 at the same location until the expiration of one (1) year from the date said revocation becomes final. (1973 Code, § 2-223, as replaced by Ord. #800, March 2013)

8-223. Employees liable for violations. Any employee of any permittee who violates the provisions of this chapter or any provision of the state beer act while so employed by such permittee shall be guilty of a misdemeanor. (1973 Code, § 2-224)

8-224. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars, (\$100). 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, 1994, and each successive January 1, to the City of Fairview, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1973 Code, § 2-225)

CHAPTER 3

ON PREMISES CONSUMPTION OF INTOXICATING LIQUORS

SECTION

8-301. Definition of alcoholic beverages.

8-302. Consumption of alcoholic beverages on premises.

8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

8-304. Annual privilege tax to be paid to the city clerk.

8-301. 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. #599, Jan. 2005)

8-302. 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 Fairview, 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 Fairview, Tennessee, the same as if said code sections were copied herein verbatim. It shall be legal to sell and consume alcoholic beverages on premises in the City of Fairview, Tennessee, in accordance with the provisions of this chapter notwithstanding any provision of any previous ordinance(s) of the City of Fairview, Tennessee, to the contrary. (as added by Ord. #599, Jan. 2005)

8-303. 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 City of Fairview, Tennessee, 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 City of Fairview, Tennessee, alcoholic beverages for consumption on the premises where sold. (as added by Ord. #599, Jan. 2005)

8-304. Annual privilege tax to be paid to the city clerk. 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 Fairview, Tennessee, shall remit annually to the city clerk the appropriate tax described in 8-303. 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. #599, Jan. 2005)