

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER AND OTHER ALCOHOLIC BEVERAGES.

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

8-101. Prohibited generally.

8-101. Prohibited generally. Except when he affirmatively shows that he has express authority under the state law², it shall be unlawful for any person to receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this municipality. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1994 Code, § 8-101, as amended by Ord. #06-08-14, Aug. 2006)

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER¹ AND OTHER ALCOHOLIC BEVERAGES

SECTION

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8-201. Definitions. (1) "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.

(2) "ABC" shall mean the State of Tennessee Alcoholic Beverage Commission.

(3) "ABCB" shall mean the Alcoholic Beverage Control Board of the Town of Gordonsville.

(4) "Alcoholic beverage store privilege license" is the privilege license issued under the provisions to this chapter for the purpose of authorizing the holder(s) to engage in the business of selling alcoholic beverages at retail in the town at a liquor store that will only be granted to a person(s) possessing a valid state liquor retailer's license.

(5) "Applicant" shall mean the person applying for a beer or alcoholic privilege license or certificate of compliance.

(6) "Applicant group" shall mean more than one (1) person joining together applying for a beer or alcoholic privilege license or certificate of compliance.

¹Municipal code reference

Open container law; minors in beer places: title 11, chapter 1.

(7) "Application" shall mean the form(s) or other information an applicant or applicant group is required to file with the town recorder in order to attempt to obtain a local permit for resale.

(8) "Approving authority" shall mean the alcoholic beverage control board.

(9) "Beer" shall mean a beverage capable of being consumed by a human being containing an alcoholic content of five percent (5%) by weight or less.

(10) "City" shall mean the Town of Gordonsville.

(11) "Co-licensees" means persons who together hold a single local beverage store privilege license for a single store.

(12) "Convenience store" shall mean a store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products and canned goods.

(13) "Distance" shall be the measurement from the nearest corner of the principal structure measured in a straight line to the nearest corner of the structure where any beverage with an alcoholic content is sold, warehoused or distributed.

(14) "Drug store" shall mean a business whose primary source of income is the sale of prescription drugs and associated items.

(15) "Gordonsville" shall mean the Town of Gordonsville, Tennessee.

(16) "Grocery" shall mean a full-line store that maintains an inventory of staple food items including fresh meats, vegetables, produce and fruits.

(17) "Hotel" shall have fifty (50) or more rooms, fully equipped with adjoining bath, bed with single, double, queen or king mattress and springs, necessary linens and pillows, dresser, chairs, reading lights, writing desk and comparable to all other rooms regularly offered for rental with a seating capacity of sixty (60) persons or more in the room where beverages are consumed and/or sold.

(18) "Inspection fee" is the monthly fee a licensee is required to pay, the amount determined by a percentage of the gross sales of a licensee at an alcoholic beverage store.

(19) "License fee" is the annual fee a licensee is required by this chapter to pay per store prior to the time of issuance or renewal of a local liquor store privilege license.

(20) "Licensee" is the holder(s) of a local liquor store privilege license to a person(s) who receives a certificate of compliance and local liquor store privilege license.

(21) "Liquor store" is the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(22) "Manufactured dwelling" shall mean a structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation.

(23) "May" is permissive; "shall" is mandatory.

(24) "Motel" shall have fifty (50) or more rooms, fully equipped with adjoining bath, bed with single, double, queen or king mattress and springs, necessary linens and pillows, dresser, chairs, reading lights, writing desk and comparable to all other rooms regularly offered for rental with a seating capacity of sixty (60) persons or more in the room where beverages are consumed and/or sold.

(25) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, joint stock company, or association. The masculine gender shall mean to include the feminine; the singular shall include the plural where indicated by the context.

(26) "Restaurant" shall mean any public place kept, used, maintained, advertised and held out to the public as a place where at least two (2) meals per day are actually and regularly served at least five (5) days per week, providing adequate and sanitary kitchen and dining room equipment, employing therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

(27) "Retail" shall mean the sale to a consumer or to any person for any purpose other than for resale.

(28) "Shall" is mandatory; "may" is permissive.

(29) "State liquor retailer's license" shall mean the license issued by the Alcoholic Beverage Commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201, et seq. permitting its holder(s) to sell alcoholic beverages at retail in Tennessee.

(30) "State statutes" shall mean all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages in effect now, or thereafter without limitation, the local option liquor rules and regulations of the Tennessee Alcoholic Beverage Commission.

(31) "Total taxable sales" shall mean those sales subject to state and local sales taxes.

(32) "Town" shall mean the Town of Gordonsville or the mayor and board of aldermen.

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

(34) "Wine" means the product of normal alcoholic fermentation of the juice of grapes with the usual cellar treatment and necessary additions to correct defects, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. (Ord. #06-08-14, Aug. 2006)

8-202. General selling and distribution. (1) It shall be unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the town except as provided by

Tennessee Code Annotated, title 57, strict compliance with all federal and state statutes, and by the rules and regulations promulgated hereunder and is provided under this chapter.

(2) Transfer of ownership or possession of any beer or alcoholic beverage by a licensee in any manner other than by retail sale is prohibited.

(3) No license shall be issued to any person who is elected or appointed; to a public national, state, county or town employee; or to any immediate family member of any elected or appointed official or public employee.

(4) It shall be unlawful for any such person to have any interest in such license either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business.

(5) Neither the applicant nor any persons employed, or to be employed by him in such distribution of sale of such beverage, shall have ever been convicted of any violation of the law against prohibition, sale, possession, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude with the past ten (10) years.

(6) In the case that an employee is convicted of a felony while employed by a licensee, that person shall immediately be discharged after conviction provided that this provision not apply to any person whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(7) It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any business transaction unless their interest in such business and the nature, extent and character thereof shall appear on the application, or if the interest is acquired after the issuance of a license unless it is fully disclosed within fifteen (15) days of the transaction, submitted to the town recorder for perusal by the town attorney and approved within thirty (30) days of the transaction by the ABCB.

(8) No licensee shall be person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in a place of business to engage in the storage, sale or distribution of alcoholic beverages.

(9) A person, firm, corporation, joint stock company, syndicate, or association shall have an interest, either direct or indirect, in no more than one (1) store license under this chapter.

(10) Any person selling beer or alcoholic beverages within the corporate limits of the Town of Gordonsville shall be required to verify (by valid government issued identification) showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one (21) years prior to purchase. If not produced by the prospective buyer, the beverage shall not be sold.

(11) No licensee, or employee of licensee, shall allow upon the premises or in his place of business any person under the influence of any intoxicant; it shall be the duty of any licensee or employee to promptly notify the police.

(12) No owner, co-owner, operator, proprietor or employee of a licensee pursuant to this chapter shall drink, or be under the influence of any intoxicant, while working or on the premises of any such business. (Ord. #06-08-14, Aug. 2006)

8-203. Permit applications--generally. It shall be unlawful for any person, firm, corporation, joint stock company, syndicate, or association to offer for sale alcoholic beverages at retail, as herein before designated, without having first applied to, and received from, the ABCB a permit authorizing the establishment to make such sale.

Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, licensee's officers, employees, agents and representatives so that any violation of this chapter shall constitute a violation of this chapter by such licensee. (Ord. #06-08-14, Aug. 2006)

8-204. Beer permit applications. (1) Before being granted a permit to sell beer, or other beverages with an alcoholic content not exceeding five percent (5%) of weight, as herein before designated, without having first applied to, and received from, the ABCB a permit authorizing the establishment to make such sale.

(2) Before any permit is issued by the ABCB, the applicant shall file with the ABCB a sworn petition, in writing, and shall establish the following:

- (a) The name and home address of the applicant(s);
- (b) The business name and location of the premises at which the business shall be conducted; and
- (c) The owner(s) of such premises.

(3) Applicant shall state as to whether the permit for the sale of beer is sought for consumption on the premises or for sale to be carried off the premises with no consumption on the premises.

(4) If the application is for consumption on the premises, the applicant shall state:

- (a) The nature of the business;
- (b) Seating capacity of the facilities; and
- (c) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(5) If the application is for a grocery store, drug store, or convenience store with all sales to be carried off the premise and no consumption on the premise, the applicant shall state:

- (a) How many years that he has been in business at the premises; and

(b) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(6) All applications with a non-refundable two hundred fifty dollars (\$250.00) application fee attached, shall be submitted to the town recorder.

(7) Neither the applicant nor any persons employed, or to be employed by him in such distribution of sale of such beverage, shall have ever been convicted of any violation of the law against prohibition, sale, possession, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude with the past ten (10) years.

(8) The applicant shall not have had a license revoked for the sale of legalized beer or other alcoholic beverages.

(9) Applications shall state whether the applicant will manage the business in person, or in acting as agent.

(10) No brewer or distiller of legalized beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, shall have any interest, financial or otherwise, in the business which is licensed or requested to be licensed.

(11) The applicant shall be within the approved zoning district for the sale of beer, or other beverages with an alcoholic content not exceeding five percent (5%) of weight, as herein before designated, as set forth by the valid, current Gordonsville Zoning Ordinance in effect.

(12) The applicant shall not thereafter convey, or grant any brewer or distiller of legalized beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, with any interest in either the business which is licensed to be carried on, or in any other property at which such business may thereafter be carried on.

(13) The applicant shall have, at the time of making such application, no indebtedness or other financial obligation to any brewer or distiller of legalized beer or other beverage with an alcoholic content not exceeding five percent (5%) of weight; and will not during the period such license shall be in force, contract any financial obligation to any brewer or distiller of legalized beer or other alcoholic beverage other than for the purpose of such beer or other beverage with an alcoholic content not exceeding five percent (5%) of weight.

(14) Applications shall be verified by the affidavit of the applicant, or a duly authorized officer of the applicant, made before a notary public.

(15) If any false statement is made in any part of such application, the permit or license granted or issued to the applicant shall be revoked by the ABCB. (Ord. #06-08-14, Aug. 2006)

8-205. Other alcoholic beverage permit applications. (1) Before being granted a permit to sell alcoholic beverages, as herein before designated, a license must have first applied to, and received from, the ABCB a permit authorizing the establishment to make such sale.

(2) Before any permit is issued by the ABCB, the applicant shall file with the ABCB a sworn petition, in writing, and shall establish the following:

- (a) The name and home address of the applicant(s);
- (b) The business name and location of the premises at which the business shall be conducted; and
- (c) The owner(s) of such premises.

(3) Applicant shall state as to whether the permit for the sale of the alcoholic beverages is sought for consumption on the premises or for sale to be carried off the premises with no consumption on the premises.

(4) If the application is for consumption on the premises, the applicant shall state:

- (a) The nature of the business;
- (b) Seating capacity of the facilities; and
- (c) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(5) If the application is for a liquor store with all sales to be carried off the premises and no consumption on the premises, the applicant shall state:

- (a) How many years that he has been in business at the premises; and
- (b) Closest distance to a church, school, publicly licensed or governmentally operated day care center, or public gathering place.

(6) All applications, with a non-refundable two hundred fifty dollars (\$250.00) application fee attached, shall be submitted to the town recorder.

(7) Neither the applicant nor any persons employed, or to be employed by him in such distribution or sale of such beverage, shall have ever been convicted of any violation of the law against prohibition, sale, possession, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude with the past ten (10) years.

(8) The applicant shall not have had a license revoked for the sale of any alcoholic beverages.

(9) Applications shall state whether the applicant will manage the business in person, or acting as agent.

(10) No brewer or distiller of alcoholic beverages shall have any interest, financial or otherwise, in the business which is licensed or requested to be licensed.

(11) No brewer or distiller of legalized beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, shall have any interest, financial or otherwise, in the business which is licensed or requested to be licensed.

(12) The applicant shall not thereafter convey, or grant any brewer or distiller of legalized beer, or any other alcoholic beverage any interest in either the business which is licensed to be carried on, or in any other property at which such business may thereafter be carried on.

(13) The applicant shall have, at the time of making such application, no indebtedness or other financial obligation to any brewer or distiller of alcoholic beverages; and will not during the period such license shall be in force, contract any financial obligation to any brewer or distiller of alcoholic beverages.

(14) Applications shall be verified by the affidavit of the applicant, or a duly authorized officer of the applicant, made before a notary public.

(15) If any false statement is made in any part of such application, the permit or license granted or issued to the applicant shall be revoked by the ABCB. (Ord. #06-08-14, Aug. 2006)

8-206. Permits--authority; transfer; fees; and forfeitures.

(1) Authority. The alcoholic beverage control board is designated, appointed and given authority for the purpose of granting, refusing, rescinding, suspending or revoking permits for the sale, storage and warehousing of any alcoholic beverage within the corporate limits of Gordonsville, Tennessee.

(a) It shall be unlawful for any person, firm, corporation, joint stock company, syndicate, or association to offer for sale, or sell any alcoholic beverage(s) without having first applied to, and received from, the ABCB a permit authorizing them to make such sale.

(b) Before being granted a permit to sell any alcoholic beverage, a nonrefundable application fee of two hundred fifty dollars (\$250.00) shall be paid to the Town of Gordonsville in certified funds or by certified check.

(c) Any application for a liquor store license must be accompanied by a valid and duly issued state liquor retailer's license.

(d) All permits and licenses mandated by federal, state or local statutes shall be displayed and posted in a conspicuous place in the licensee's store at all times.

(2) Permit transfer. (a) No permit shall be transferable.

(b) A permit is immediately null and void should the holder of a permit, whether it be a person, firm, corporation, joint stock company, syndicate or association, go out of business, move its place of business from one point in Gordonsville, Tennessee to another point within said town; the permit granted shall be rescinded and of no further force or effect.

(c) A permit shall be immediately null and void should the holder of a permit, whether it be a person, firm, corporation, joint stock company, syndicate or association, sell the business or otherwise transfer management.

(i) The town recorder may issue a temporary permit to the new owner or transferee to remain in effect until the ABCB can act on a new application.

(ii) Should a new applicant obtain a license to sell alcoholic beverages for on-premise consumption from the State of

Tennessee Alcoholic Beverage Commission, the town recorder may issue a temporary permit to the new applicant to remain in effect until the ABCB can act on a new application.

(iii) If a new applicant for a liquor store to sell retail alcoholic beverages for off-premise consumption obtains a state liquor retailer's license, the town recorder may issue a temporary permit to the new applicant to remain in effect until the ABCB can act on a new application.

(d) Permits issued hereunder shall remain in full force and effect until they are canceled, revoked or suspended.

(3) Permit forfeiture. (a) Any person, firm, corporation, joint stock company, syndicate, or association granted a permit to sell or distribute alcoholic beverages who shall, after having obtained said permit, be convicted by any court of competent jurisdiction of any violation of the laws against possession, sale, manufacture, and/or transportation of intoxicating liquor, or of any crime involving moral turpitude, forthwith shall immediately, forfeit his or its permit to any beverage with an alcoholic content within the corporate limits of Gordonsville, Tennessee.

(b) Each sale of any alcoholic beverage, after any conviction, shall be deemed to constitute a separate offense.

(4) Permit authorization. In order to protect the general welfare and morals of the residents of the Town of Gordonsville, Tennessee, and to avoid the congestion of traffic or interfere with the public health, safety and morals of the citizens, it shall be unlawful to possess alcoholic beverages for the purpose of resale except an alcoholic beverage store, restaurant, hotel, motel, grocery store, drug store or convenience store which qualifies under the rules and regulations herein prescribed.

The business permitted shall not be within three hundred feet (300') of any church, school, publicly licensed or governmentally operated day care center or public gathering place. (Ord. #06-08-14, Aug. 2006)

8-207. Permits for off-premise consumption of beer sales. (1) No permit for the sale of beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, shall be issued to any person, firm, corporation, joint stock company, syndicate, association or any other legal entity for off-premise(s) consumption except to a legitimately operated full-line grocery store, drug store or convenience store.

(2) No beer shall be sold, warehoused or distributed from any building other than the one for which the permit is issued.

(3) Annual sales of beer, or any beverage with an alcoholic content not exceeding five percent (5%) of weight, shall not exceed twenty-five percent (25%) of total taxable sales; those sales subject to state and local sales taxes.

(4) Holders of beer permits issued under provision(s) of this section shall include on their business tax return, submitted to the town recorder each

year, the total amount of their beer sales and their total taxable sales for the tax period being reported.

(5) Notwithstanding the provisions set forth hereunder in this chapter, no permit shall be issued to any person, firm, corporation, joint stock company, syndicate, association or any other legal entity which has the principal purpose of the sale of beer or any other beverage with an alcoholic content not exceeding five percent (5%) of weight. (Ord. #06-08-14, Aug. 2006)

8-208. Permits for off-premise consumption of other alcoholic beverages. (1) No permit for the sale of any other alcoholic beverage shall be issued to any person, firm, corporation, joint stock company, syndicate, association or any other legal entity for off-premise(s) consumption except to a legitimately operated full-line alcoholic beverage store.

(2) Any retail sales for off-premise consumption must be made within a designated alcoholic beverage store located within the applicable current zoning regulations of the corporate town limits.

(3) All alcoholic beverage stores shall be constructed and designed as follows:

(a) Shall be a permanent type of structure in a material and design approved by the alcoholic beverage control board prior to construction approval;

(b) No store shall be located in a manufactured or other movable or prefabricated type of building;

(c) All stores shall have night lights surrounding the outside of the building, premises lighted with automatic street lights and equipped with a functioning fire and burglar alarm systems on the inside of the premises;

(d) The minimum square footage of any store shall be one thousand five hundred (1,500) square feet with full, free and unobstructed vision afforded to and from the street and public highway to the interior of the store by way of large windows in the front and, to the extent practical, to the sides of the building with no seating facilities (except for employees on duty at the store);

(e) Entertainment devices of any kind, including but not limited to, pinball machines, music machines, arcade games, etc. are prohibited;

(f) No advertising signage of any kind outside the building shall be permitted except the name of the store on the front facade not exceeding twenty (20) square feet in dimension and not extending more than twelve inches (12");

(g) Neon signs, reader boards, changeable copy signs, banners and temporary signs are prohibited for alcoholic beverage stores;

(h) All retail sales of alcoholic beverages shall be confined to the inside premises of the store with no curb service or drive-thru windows nor receiving an order for a consumer for any alcoholic beverages at a

residence or place of business of such consumer (not to be construed as to prohibit the delivery or solicitation by a state licensed wholesaler of any order or delivery of any order from any licensed retailer at the licensed premises).

(i) Provide to the town recorder eight (8) copies of a scale plan drawn to a scale (not less than one inch equals twenty feet (1" = 20') showing the following information:

(i) The shape, size, height and location of the lot which the store is to be operated under the license;

(ii) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;

(iii) The off-street parking, loading and unloading space including the vehicular access to be provided from these areas to a public street;

(iv) The identification of every parcel of land within three hundred feet (300') of the lot upon which the liquor store is to be built/operated indicating ownership, location of any structures thereon, current use and present zoning classification as determined by the official Gordonsville Zoning Map; and

(v) Signed and verified by each person to have any interest in the store or land, either as owner, partner, stockholder or otherwise.

(4) If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application from or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group or licensee shall be deemed to have violated the provisions of this chapter and the application may be disregarded.

(5) After approval, the store shall be opened within six (6) months of receipt of a local liquor store license (one (1) three (3) month extension may be granted by the ABCB if requested in writing, stating circumstances beyond the control of the licensee or owner that is delaying opening) or the license will be deemed canceled and revoked by the passage of this amount of time. (Ord. #06-08-14, Aug. 2006)

8-209. Permits for on-premise consumption. (1) 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 Gordonsville.

(2) It is the express intent of the mayor and board of aldermen that the said Tennessee Code Annotated, title 57, chapter 4 inclusive, shall be effective in the corporate limits of Gordonsville, the same as if said code sections were copied herein verbatim.

(3) No licensee shall permit alcoholic beverage consumption on the licensed premises between the hours of 3:00 A.M. and 8:00 A.M. Monday through Saturday or on Sunday between the hours of 3:00 A.M. and 10:00 A.M. (Ord. #06-08-14, Aug. 2006)

8-210. Hotel and motel permits. (1) A permit may be issued for the sale of alcoholic beverages for on-premises consumption to any hotel or motel that has been licensed by the State of Tennessee Alcoholic Beverage Commission to sell alcoholic beverages for on-premises consumption.

(2) A permit shall not be issued for the sale of alcoholic beverages for consumption on the premises of any hotel or motel that has not been licensed by the State of Tennessee Alcoholic Beverage Commission unless such hotel or motel shall have a seating capacity of sixty (60) persons or more in the room where beverages are to be sold at retail and consumed on the premises.

(3) Such hotel or motel shall have fifty (50) or more rooms; said rooms to be fully equipped with adjoining bath, single, double, queen or king mattress and springs with necessary linens and pillows, dresser, chairs, reading lights, writing desk, and comparable to all other rooms regularly offered for rental. (Ord. #06-08-14, Aug. 2006)

8-211. Restaurant permits. (1) A permit shall not be issued for consumption on-premises to any restaurant that has not been licensed by the State of Tennessee Alcoholic Beverage Commission unless such restaurant shall have a seating capacity of one hundred (100) or more seats.

(2) A restaurant shall be a public place kept, used, maintained, advertised and held out to the public as a place where the serving of meals be the principal business conducted.

(a) At least two (2) meals per day (either breakfast, lunch or dinner) shall actually and regularly be served at least five (5) days a week; with the exception of holidays, vacations (two (2) weeks per calendar year), and periods of redecorating (maximum of four (4) weeks).

(b) Such place shall be provided with adequate and sanitary kitchen and dining room equipment and have employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. (Ord. #06-08-14, Aug. 2006)

8-212. Privilege taxes. (1) Beer and on-premise consumption. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied annual privilege taxes.

(a) The same amount privilege tax as levied by Tennessee Code Annotated, title 57, chapter 4, section 301, shall be paid to the Town of Gordonsville's General Fund annually by any person, firm, corporation, joint stock company, syndicate or association engaging in the business of

selling alcoholic beverages for consumption on the premises, where sold as retail, in the Town of Gordonsville.

(b) The same amount privilege tax as levied by Tennessee Code Annotated, title 57, chapter 4, section 301, shall be remitted to the town recorder annually by any person, firm, corporation, joint stock company, syndicate or association engaging in the business of selling alcoholic beverages for the privilege of selling alcoholic beverages for consumption on the premises in the Town of Gordonsville.

(c) Such payment shall be remitted to the town recorder not less than thirty (30) days following the end of each twelve (12) month calendar period.

(d) 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.

(e) 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.

(2) Off-premise consumption. (a) All alcoholic beverage stores licensee(s) shall be levied with an inspection fee of eight percent (8%) on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source (amount to be determined by the Gordonsville Board of Mayor and Aldermen within the statutes of the State of Tennessee).

(b) Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sales is made to the licensee; payment shall be made to the town recorder on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month.

(c) Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee, and it shall be the licensee's responsibility to see that the payment of the inspection fee for the applicable store is made to the town recorder on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month.

(d) Wholesalers collecting and remitting the inspection fee to the town recorder shall be entitled to an administrative fee in the sum equal to five percent (5%) of the total amount of inspection fees collected and remitted; such reimbursement to be deducted and shown on the monthly report provided to the town recorder.

(e) Failure to pay the inspection fees and provide timely, accurate reports shall be cause for suspension of the offending licensee's local liquor store privilege license for a maximum of thirty (30) days at the sole discretion of the town recorder; revocation of the license may occur at the sole discretion of the ABCB.

(i) Each such action may be taken by giving written notice to the licensee.

(ii) No hearing with respect to such an offense is required.

(iii) If a licensee has their license revoked, suspended or otherwise removed and owes the town inspection fees at the time of such suspension, revocation or removal, the town attorney shall file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees.

(iv) Each licensee who fails to pay, or have paid on their behalf, the inspection fees imposed hereunder shall be liable to the town for a penalty on the delinquent amount due in the amount of ten percent (10%) per thirty (30) day period delinquency of the inspection fee.

(v) In addition to any records specified in state statutes, each licensee shall keep on file, at such licensee's store, the following records:

(A) Original invoices of all alcoholic beverages brought by the licensee;

(B) Original receipts for any alcoholic beverages returned by such licensee to any wholesaler;

(C) Current daily record of all gross sales by such licensee with evidence of cash register receipts for each day's sales;

(D) Accurate record of all alcoholic beverages lost, damaged or disposed of other than by sale that shows the date, quantity, brands of alcoholic beverages involved, and the name of the person(s) receiving the same; and

(E) All records shall be preserved for a period of a minimum of twenty-four (24) months unless the town recorder gives the licensee written permission to dispose and/or move such records at an earlier time.

(f) The town recorder and chief of police or authorized representative, are authorized to examine the premises, books, papers and records of any alcoholic beverages store at any time the store is open for business for the purpose of determining whether the provisions of this chapter are being observed.

Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation and non-renewal of the local liquor store privilege license of the offending licensee.

(g) Each license shall expire on December 31 of each year, subject to renewal each year by compliance with all applicable federal,

state and local statutes and compliance with all provisions of this chapter. (Ord. #06-08-14, Aug. 2006)

8-213. Alcoholic beverage control board. The mayor and board of aldermen, at its discretion, may serve as the ABCB, or may by resolution, establish a separate, independent ABCB.

(1) Upon establishment of the ABCB, the mayor and board of aldermen shall appoint two (2) private individuals to serve on the board. The board, at all times after its establishment, shall consist of the mayor serving as chairman, two (2) sitting members from the board of aldermen, and two (2) private individuals. Other than the mayor serving as chairman, all other members shall be chosen by the board of aldermen and serve two (2) year terms.

(2) A member whose term has expired shall continue to serve until his/her successor is appointed in the manner as herein provided.

(3) In the event of death or resignation of a board member prior to the expiration of his/her term, a successor shall be appointed for the unexpired term in the same manner as the deceased or retiring board member was appointed, and shall take office immediately upon appointment.

(4) No person shall be appointed to the ABCB unless he or she is a resident of the Town of Gordonsville.

(5) Members of the ABCB shall administer the laws governing alcoholic beverages as enacted by the State of Tennessee and the Town of Gordonsville.

(6) The ABCB shall have no legislative powers.

(7) The mayor and board of aldermen may terminate the ABCB by resolution. (Ord. #06-08-14, Aug. 2006)

8-214. Regulations and restrictions for operation. (1) Any person, firm, corporation, joint stock company, syndicate or association annexed into the corporate limits of Gordonsville, Tennessee, shall not be exempt from the provisions set forth hereunder this chapter whether retail and/or wholesale establishments.

(2) The applicant shall not engage in the sale of such beverages except at the place(s) for which the ABCB has issued permit(s) to such applicant.

(3) No sale of such beverage(s) will be made except in accordance with the permit granted.

(4) It shall be unlawful to sell, or offer for sale, any beverage falling within the provisions of this chapter to a person in an intoxicated, or partially intoxicated, condition.

(5) It shall be unlawful for any person(s), firm, corporation, joint stock company, syndicate or association to offer for sale or sell beer or other alcoholic beverage with an alcoholic content not exceeding five percent (5%) by weight within the corporate limits of Gordonsville between the hours of:

(a) 3:00 A.M. and 8:00 A.M. Monday through Saturday; and

(b) 3:00 A.M. and 10:00 A.M. on Sunday.

(c) No such beverages shall be consumed or opened for consumption on or about any premises where beer or other alcoholic beverage is sold within the corporate limits in either bottle, glass, or other container after 3:15 A.M.

(d) Convenience stores, grocery stores and drug stores shall be exempt from the provisions of subsections (5)(a) and (b) of this section. Subsection (5)(c) of this section specifically applies to all premises, including but not limited to, convenience stores, grocery stores, drug stores and alcoholic beverage stores.

(6) (a) It shall be unlawful to sell, or offer for sale, any beverage falling within the provisions of this chapter to a person under the age of twenty-one (21) years.

(b) Members of the armed forces, while on active duty status, are an exception.

(7) Grocery store, drug store or convenience store. (a) Annual sales of beer, or any beverage with an alcoholic content not exceeding five percent (5%) of weight, shall not exceed twenty-five percent (25%) of total taxable sales; those sales subject to state and local sales taxes.

(b) Holders of beer permits issued under provision(s) of this section shall include on their business tax return, submitted to the town recorder each year, the total amount of their beer sales and their total taxable sales for the tax period being reported.

(c) No beer shall be sold, warehoused or distributed from any building other than the one for which the permit is issued.

(8) Permits issued hereunder shall remain in full force and effect until they are canceled, revoked or suspended by the ABCB.

(9) No beer shall be sold, warehoused or distributed from any building other than the one for which the permit is issued.

(10) If any false statement is made in any part of such application, the permit or license granted or issued to the applicant shall be revoked by the ABCB.

(11) It shall be unlawful for the management of any place where any alcoholic beverage is sold within the corporate limits of Gordonsville, Tennessee, to allow anyone under twenty-one (21) years of age to loiter about such place of business.

The burden of ascertaining the ages of customers under the age of twenty-one (21) years of age shall be upon the owner and/or operator of such place of business.

(12) It shall be unlawful, and a misdemeanor, for any person under twenty-one (21) years of age to obtain or purchase beer or alcoholic beverages within the corporate limits of the Town of Gordonsville, Tennessee, or to remain in a location where beer or alcoholic beverages is legally being sold under the

provisions of this chapter and where persons under the age of twenty-one (21) years are not allowed to loiter.

(13) All measurements of distances required in the application of this chapter shall be measured in a straight line from the nearest corner of the principal structure housing the church, school, publicly licensed or governmentally operated day care center or public gathering place to the nearest corner of the structure where beer or any alcoholic beverage is sold, warehoused or distributed.

(14) Advertisements. (a) Any person, firm, corporation, joint stock company, syndicate or association holding a lawful and valid permit as authorized in this chapter for retail sale of alcoholic beverages provided herein shall:

(i) Have no outside advertising of any type or kind whatsoever advertising that alcoholic beverages are sold on the premises; or

(ii) Advertising the various brands of alcoholic beverages which are sold on the premises.

(b) Any other advertising shall be confined to the interior of the premises for which the permit applies.

(15) Any and all permits authorized hereunder this chapter shall be restricted to:

(a) Businesses located within one thousand feet (1,000'), measured from the middle of the highway east or west of the rights-of-way of State Highway 53 in areas zoned C-2 under the most current Gordonsville, Tennessee Zoning Regulation Ordinance unless a special exception has been granted by the Gordonsville Planning Commission and the alcoholic beverage control board prior to authorization of permit.

(b) No permits shall be authorized hereunder this chapter to any businesses that allow pool, billiards or arcade gaming on premises.

(c) No permits shall be issued to businesses within three hundred feet (300') with all measurements of distances measured in a straight line from the nearest corner of the principal structure housing the church, school, publicly licensed or governmentally operated day care center or public gathering place to the nearest corner of the structure where beer or any alcoholic beverage is sold, warehoused or distributed. (Ord. #06-08-14, Aug. 2006)

8-215. Violations. (1) The ABCB is vested with the authority to conduct hearings on revocations or suspension of alcoholic beverage permits issued under this chapter.

(2) Complaints filed against any permit holder for the purpose of suspending or revoking such permit shall be:

(a) Made in writing; and

(b) Filed with the ABCB through the town recorder's office.

(3) The ABCB is vested with complete and full power to investigate charges against any permit holder who is cited to appear and show cause why his and/or its permit should not be suspended or revoked for the violation of the provisions of this chapter or the provisions of the State of Tennessee beer and alcoholic beverage laws.

(a) When the ABCB shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the State of Tennessee beer laws, the ABCB is authorized, at its discretion, to:

(i) Notify the licensee of said violations; and

(ii) Cite said permittee by written notice to appear and show cause why its permit should not be suspended or revoked for such violations. Said notice shall:

(A) State the alleged violations charged;

(B) Be served upon permittee either by registered mail or by an officer of the Gordonsville Police Department; and

(C) Be served upon the permittee at least ten (10) days before the date of the hearing.

(4) The ABCB, at the hearing for suspension or revocation of the beer permit issued under this chapter, shall: publicly hear the evidence both in support of the charges and on behalf of the licensee.

(5) After such hearing, if the charges are sustained by the evidence, the ABCB at its discretion may:

(a) Revoke said permit. (i) No new permit shall be issued hereunder for the sale of alcoholic beverages at the same location until the expiration of one (1) year from the date said revocation becomes final.

(ii) In the event any person, firm, corporation, joint stock company, syndicate or association holding has its permit revoked for a third violation of the provisions of this chapter or the provisions of the State of Tennessee, then that person, firm, corporation, joint stock company, syndicate or association shall not be granted a permit under the provisions of this chapter until the expiration of three (3) years from the date of said revocation becomes final.

(b) Suspend said permit. (i) Pursuant to Tennessee Code Annotated, § 57-4-202(b), upon suspension of an establishment's permit the ABCB may also suspend the establishment's authority to sell alcoholic beverages for the same period of time.

(ii) The ABCB shall serve notice of the suspensions of the Tennessee Alcoholic Beverage Commission, which shall:

(A) Review that suspension within thirty (30) days of receipt of such notice; and

(B) Render a decision affirming or reversing such suspension.

(iii) Failure of the alcoholic beverage commission to act within thirty (30) days shall be construed as an affirmation of such suspension.

(6) The action of the ABCB in all such hearings shall be final, subject only to review by the court as provided by the State of Tennessee.

(7) Any violation of the provisions of this chapter relative to the conducting of business as regulated herein shall be a misdemeanor punishable under the general penalty clause for this code.

(8) (a) The ABCB may at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying 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 a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

(b) 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 town recorder the civil penalty before the revocation or suspension shall be imposed.

(i) If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

(ii) Payment of the civil penalty in lieu of suspension by a permit holder is an admission by such holder of the violation so charged and shall be paid to the exclusion of any other penalty that the Town of Gordonsville may impose. (Ord. #06-08-14, Aug. 2006)