

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

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CHAPTER 1**PACKAGE LIQUOR STORES****SECTION**

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¹State law reference

Tennessee Code Annotated, title 57.

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

(1) "Alcoholic beverage" or "beverages" 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 (2) contain an alcoholic content of five percent (5%) by weight or less.

(2) "Applicant" means any person or entity who shall file an application or request, in whatever form, with the city for a certificate of compliance.

(3) "Application fee" shall mean the fee, payable in current funds, to the city by every person or entity applying for a certificate of compliance, to help defray the cost to the city in the investigation of the applicant to determine his or her or its qualification or entitlement to the issuance of a certificate.

(4) "Board" refers to the Board of Mayor and City Councilmen of the City of Hohenwald, Tennessee.

(5) "Certificate" means any certificate issued to any applicant pursuant to this chapter and as a pre-requisite to the issuance of a license under Tennessee Code Annotated, title 57, by the State of Tennessee Alcoholic Beverage Commission.

(6) "City" means the City of Hohenwald, Tennessee.

(7) "Domiciled" means a person who is presently and has had continuous actual physical residence within Lewis County with an established permanent residence. If a corporation, partnership, firm, association, or LLC, then it means that each and every stockholder, officer, director, member, partner, or beneficiary shall have residence within Lewis County.

(8) "Licensee" means any person issued a license or permit to be a retailer within the city by the State of Tennessee Alcoholic Beverage Commission.

(9) "Person" means any natural person as well as any corporation, partnership, firm, association, or LLC, or any other business entity.

(10) "Retail sale" or "sale at retail" means a sale of an alcoholic beverage or container to a consumer or to any person for any purpose other than for resale by a retailer.

(11) "Retailer" means any person who sells at retail any beverages or containers covered by this chapter.

(12) "Wine" means the product of the normal alcoholic fermentation of the juice of the fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume.

Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural. (Ord. #697, Jan. 2015)

8-102. Alcoholic beverages subject to regulation. (1) Pursuant to Tennessee Code Annotated, title 57, and a referendum held pursuant thereto in the County of Lewis on the 6th day of November, 2012, this chapter enacted.

(2) It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57, chapter 3. (Ord. #697, Jan. 2015)

8-103. Wholesale business prohibited. No person, firm, or corporation shall engage in the business of selling alcoholic beverages at wholesale within the corporate limits, except to a retailer as described herein. (Ord. #697, Jan. 2015)

8-104. Beer regulations unaffected. No provision of this chapter shall be considered or construed as in any way modifying, changing, or restricting the rules and regulations governing the sale, storage, transportation, or tax upon beer or other liquids with an alcoholic content of five percent (5%) or less. (Ord. #697, Jan. 2015)

8-105. Applicant to agree to comply with laws. Prior to making application with the City of Hohenwald, the applicant shall investigate and be satisfied that the applicant is in compliance with state and federal law, rules and regulations governing this issuance by those agencies of liquor licenses. The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (Ord. #697, Jan. 2015)

8-106. Residency requirement. The applicant for a certificate of compliance shall have been a bona fide resident of Lewis County for a period of not less than two (2) years at the time his application is filed. If the applicant

is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Lewis County not less than two (2) years at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years. (Ord. #697, Jan. 2015)

8-107. Applicants for certificate who have criminal record. No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage, or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (Ord. #697, Jan. 2015)

8-108. Where establishments may be located. (1) It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage, or distribution of alcoholic beverages in the town except in the commercial districts of C3 or C4. Further, in no event will such store be allowed within three hundred feet (300') or nearer of any church, school, or library as measured from building to building at their nearest points. No store will be allowed to be within three hundred feet (300') or nearer to any park measured in a straight line from property line to property line at their nearest points. In addition, no store will be allowed to be located within one thousand feet (1,000') of any other retail liquor store measured from building to building at their nearest points.

(2) Any change of location of the business location of a retailer shall be cause for immediate revocation of the certificate issued by the board unless the new location is approved in writing prior thereto by the board. (Ord. #697, Jan. 2015)

8-109. Retail stores to be on ground floor entrances. No retail store shall be located anywhere on premises in the town except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

In addition, all liquor stores shall be a permanent type of construction. No liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system on

the inside of the premises. The minimum square footage of the interior of the liquor store shall be two-thousand (2,000) square feet. Full, free, and unobstructed vision shall be afforded to and from the street and public highway or street to the interior of the liquor store by the way of large windows in the front, and to the extent practicable, to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations, adopted by the city, unless specifically provided otherwise. (Ord. #697, Jan. 2015)

8-110. Applicant to appear before board of mayor and city council; duty to give information. An applicant for a certificate of compliance may be required to appear in person before the board of mayor and city councilmen for such reasonable examination as may be desired by the board. (Ord. #697, Jan. 2015)

8-111. Application for certificate. Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any city councilman, a non-refundable application fee of two hundred fifty dollars (\$250.00) to City of Hohenwald, along with an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age, and address of the applicant;
- (2) Time of residence in the city;
- (3) Occupation or business and length of time engaged in such occupation or business;
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction;
- (5) If employed, the name and address of employer;
- (6) If in business, the kind of business and location thereof;
- (7) The location of the proposed store for the sale of alcoholic beverages;
- (8) The name and address of the owner of the store;
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business, or employer. If the applicant is a corporation, the name, age, and address of the stockholders and their degrees of ownership of stock in the corporation; and
- (10) Certain financial information pertinent to the applicant, partnership, corporation and partners or stockholders.
- (11) Certification that applicant has read and understands all the state statues dealing with the licensing and operation of a retail liquor establishment and has read the city ordinance and can certify at the time of making application the applicant can comply with the regulations set forth in said ordinance.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation. (Ord. #697, Jan. 2015)

8-112. Application fees to be paid by applicant; penalty. The application fee shall be payable by the person making application and no other person shall pay for any such fees. In addition to all other penalties provided for violations of this chapter, a violation of this section shall authorize and require the denial and/or revocation of any certificate issued pursuant to such application and forfeiture of the fee which was paid by another, and also the revocation of the certificate, if any, of the person so paying the application fee of another. (Ord. #697, Jan. 2015)

8-113. Action on application. Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the board of mayor and city council within thirty (30) days of the date each application was filed. The board of mayor and city council may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and city council. (Ord. #697, Jan. 2015)

8-114. Bonds of licensees. A licensee shall execute, with a surety company duly authorized and qualified to do business in the State of Tennessee, a bond to the City of Hohenwald in the amount of two thousand five hundred dollars (\$2,500.00) which shall be conditioned that the principal thereof shall pay any fine, tax, or fee which may be owing or assessed against the principal. (Ord. #697, Jan. 2015)

8-115. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the City of Hohenwald. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest, or otherwise. (Ord. #697, Jan. 2015)

8-116. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption, or shall be consumed, on the premises of the retail seller, except as provided by Tennessee Code Annotated, title 57, chapter 3. (Ord. #697, Jan. 2015)

8-117. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, television sets, pinball machines, slot machines, or other devices which tend to cause persons to

congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. This section does not preclude the owner or employees from having a television set or a radio solely for their use, which are located out of the public view. (Ord. #697, Jan. 2015)

8-118. Regulation of retail sales. (1) No retailer shall sell alcoholic beverages to a person known to be a minor.

(2) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(3) No retailer 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 said state. (Ord. #697, Jan. 2015)

8-119. Persons under the age of twenty-one prohibited unless accompanied by parent or legal guardian. No person under the age of twenty-one (21) is allowed on the premises of a retail liquor store including the building and parking lot unless they are accompanied by a parent or legal guardian.

8-120. Loitering prohibited. No retailer shall allow anyone to loiter about their premises during hours in which they are open to the public. (Ord. #697, Jan. 2015)

8-121. Restrictions on license holders and their employees.

(1) No person shall be employed in the sale of alcoholic beverages except a citizen of the United States, and a resident of Lewis County.

(2) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of twenty-one (21) years, and it shall be unlawful for any retailer to employ any person under twenty-one (21) years of age for the physical storage, sale or distribution of alcoholic beverages, or to permit any such person under said age in its place of business to engage in the storage, sale or distribution of alcoholic beverages.

(3) Misrepresentation of a material fact or concealment of a material fact required to be shown in the application for a license, shall be a violation of this chapter. (Ord. #697, Jan. 2015)

8-122. Retailers not to solicit orders. No holder of a license issued shall employ any canvasser or solicitor for the purposes of receiving an order from a consumer for any alcoholic beverages at the residence or places 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. (Ord. #697, Jan. 2015)

8-123. Sales to persons intoxicated, etc. No retailer shall sell any alcoholic beverages to any person who is under the influence of any alcohol and/or drugs, nor to any person who is accompanied by a person who is under the influence. (Ord. #697, Jan. 2015)

8-124. Public drinking and display. It shall be unlawful for any person to drink any alcoholic beverages or physically and openly possess, display, exhibit, or show an unsealed bottle containing any alcoholic beverage in the parking area of any drive-in restaurant, shopping center, or parking area of any business premises, or on any public street or sidewalk, or in any public park, playground, theater, stadium, school, or school ground within the city limits of the City of Hohenwald; unless stated otherwise in any other section of this City of Hohenwald, title 8, alcoholic beverage section, or a person has been issued a permit by the State of Tennessee Alcohol Beverage Commission. (Ord. #697, Jan. 2015, as amended by Ord. #709, April 2016)

8-125. Advertising. There shall be no advertising of any kind whatsoever outside of the building on the premises where alcoholic beverages are sold except as authorized by the City of Hohenwald Municipal Zoning Ordinance Sign Ordinance. In no event shall such sign use the words, other than "liquor" and "wine," or any other word intended to denote a type of alcoholic beverage which might be obtained on the inside of the building on the premises. Except as above shown and except on the inside of any building in which alcoholic beverages are sold, there shall be no advertising of any nature whatsoever intended to advertise the sale of any alcoholic beverages within the corporate limits of the City of Hohenwald. (Ord. #697, Jan. 2015)

8-126. Transfer of licenses. No sale, lease, assignment, transfer, or gift of any interest of any nature, either financial or otherwise, in any store or license of any licensee shall be made without first obtaining the written approval of the board and the issuance of a certificate to a proposed new owner, stockholder, member, partner, director, or otherwise. (Ord. #697, Jan. 2015)

8-127. Inspection fee. (1) Definitions. For the purposes of this section, the material words and phrases shall have the meanings respectfully ascribed to them under Tennessee Code Annotated, § 57-3-101, and by § 8-101.

(2) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the city, there is levied and imposed upon each retailer an inspection fee at the rate of eight percent (8%) of the wholesale price of alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesaler's price of the alcoholic

beverages sold by all such wholesalers and paid by all such retailers and shall be eight percent (8%) of such wholesale price.

(3) Collection by wholesaler from retailer. The inspection fee shall be collected by the wholesaler from the retailer at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(4) Fees to be held until paid to city. Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the city as hereinafter provided.

(5) Monthly report and payment. Each wholesaler making sales to retailers located within the city shall furnish to the city a report monthly and which report shall contain the following:

(a) The name and address of the retailer;

(b) The gross wholesale price of the alcoholic beverages sold to such retailer; and

(c) The amount of tax due under this section.

(6) Due date of wholesaler's reports and payment. The monthly report shall be furnished to the city recorder not later than the twentieth (20th) day of the month following which the sales were made and the inspection fees collected by the wholesaler from the retailers shall be paid to the city at the time the monthly report is made.

(7) Wholesalers' fee for collection of inspection fees. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in a sum equal to three percent (3%) of the total amount of inspection fees collected and remitted. Such reimbursement shall be deducted and shown on the monthly report to the city.

(8) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fees imposed hereunder shall be liable for a penalty of ten percent (10%) of the fees due the city.

(9) Audit of wholesalers' records. The city may audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(10) Disposition of fees. The city recorder shall turn over to the city any and all monies collected pursuant to this section and the recorder shall deposit said monies in the general fund of the city. (Ord. #697, Jan. 2015)

8-128. Failure of a licensee to pay inspection fees, etc. Whenever any licensee fails to account for or pay over to the city any tax, fine, or inspection fee, or defaults in any of the conditions of his bond, the city recorder shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such defaults in payments and for the revocation of any certificate issued to such person under this chapter. (Ord. #697, Jan. 2015)

8-129. Effects of violation of liquor laws, rules or regulations.

(1) In case of any conviction occurring after a certificate has been issued hereunder, the certificate shall immediately be revoked, if such convict shall be an individual, and, if not, the partnership, corporation, association, or LLC, with which he is connected shall immediately discharge him, and failure to do so shall result in the immediate revocation of its certificate. Violation of any liquor laws, rules or regulations, shall also result in the immediate revocation of its certificate.

(2) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who within ten (10) years prior to the date of his employment shall have been convicted of any such violations as provided in subsection (1) above and in case an employee should be so convicted, he shall be immediately discharged. Failure of a retailer to immediately discharge such employee shall be cause for revocation of the certificate of such retailer. Violation of any liquor laws, rules, or regulations, shall also result in the immediate revocation of its certificate.

(3) The retailer and its employees are obligated to contact law enforcement in a reasonable timely manner if any criminal acts are committed upon its premises. (Ord. #697, Jan. 2015)

8-130. Revocation or refusal of retailer to permit examination of books, records, etc. The city is authorized to examine the books, papers, and records of any retailer or applicant for the purpose of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any such books, papers, and records, or the investigation and examination of such premises shall constitute sufficient reason for the revocation of any certificate issued to such retailer or the refusal to issue a certificate of any applicant. (Ord. #697, Jan. 2015)

8-131. New certificate after revocation. Where a certificate is revoked, no new certificate shall be issued on the same premises of such retailer before the expiration of one (1) year from the date said revocation becomes final and effective. (Ord. #697, Jan. 2015)

8-132. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the city from exercising any criminal or civil remedies that it may have with respect to violations of this ordinance. Any person who shall violate any provision of this chapter shall be punishable by a fine of fifty dollars (\$50.00) and in the case of a retailer shall,

in the discretion of the board, be the cause for revocation of the certificate issued to such retailer. (Ord. #697, Jan. 2015)

CHAPTER 2

LIQUOR BY THE DRINK

SECTION

- 8-201. Definition of alcoholic beverages.
- 8-202. Consumption of alcoholic beverages on premises.
- 8-203. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-204. Annual privilege tax to be paid to the city recorder.
- 8-205. Concurrent sales of liquor by the drink and beer.
- 8-206. Advertisement of alcoholic beverages.

8-201. 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.

8-202. 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 Hohenwald, Tennessee, it is the intent of the mayor and city council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Hohenwald, Tennessee, the same as if said code sections were copied herein verbatim. (Ord. #697, Jan. 2015)

8-203. 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 amount of one hundred dollars (\$100.00), as authorized by Tennessee Code Annotated, title 57, chapter 4, § 301, for the City of Hohenwald 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 Hohenwald of alcoholic beverages for consumption on the premises where sold. (Ord. #697, Jan. 2015)

8-204. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate, or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Hohenwald shall remit annually to the city recorder the appropriate tax described in § 8-203. 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. (Ord. #697, Jan. 2015)

8-205. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the City of Hohenwald, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of § 8-311(3), qualify to receive a beer permit from the city. (Ord. #697, Jan. 2015)

8-206. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (Ord. #697, Jan. 2015)

CHAPTER 3

BEER

SECTION

- 8-301. Beer board established.
- 8-302. Meetings of the beer board.
- 8-303. Record of beer board proceedings to be kept.
- 8-304. Requirements for beer board quorum and action.
- 8-305. Powers and duties of the beer board.
- 8-306. "Beer" defined.
- 8-307. Permit required for engaging in beer business.
- 8-308. Beer permits shall be restrictive.
- 8-309. Interference with public health, safety, and morals prohibited.
- 8-310. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-311. Prohibited conduct or activities by beer permit holders.
- 8-312. Revocation of beer permits.
- 8-313. Drinking beer or possessing open containers of beer on streets, etc.
- 8-314. Privilege tax.
- 8-315. Requiring beer permit holders to have current business license.
- 8-316. Civil penalty in lieu of revocation or suspension.
- 8-317. Revocation of clerk's certification.
- 8-318. Consumption on the premises.
- 8-319. Temporary on-site beer consumption permit.

8-301. Beer board established. There is hereby established a beer board to be composed of the city council, to be chaired by the mayor, and the members of which shall serve without additional compensation. (Ord. #697, Jan. 2015)

8-302. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall be prescribed. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #697, Jan. 2015)

8-303. Record of beer board proceedings to be kept. The recorder shall make a 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. (Ord. #697, Jan. 2015)

8-304. 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. (Ord. #697, Jan. 2015)

8-305. 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 Hohenwald in accordance with the provisions of this chapter. (Ord. #697, Jan. 2015)

8-306. "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 percent (5%) by weight. (Ord. #697, Jan. 2015)

8-307. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57- 5-101 (b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Hohenwald. 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. (Ord. #697, Jan. 2015)

8-308. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for 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. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. #697, Jan. 2015)

8-309. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools,

churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within three hundred feet (300') of any school, church, or other such place of public gathering, measured from building to building at their nearest points. (Ord. #697, Jan. 2015)

8-310. 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. (Ord. #697, Jan. 2015)

8-311. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years;
- (2) Employ any person under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.);
- (3) Make or allow any sale of beer during any hours not authorized by the Tennessee Alcohol Beverage Commission in Tennessee Code Annotated, title 57, chapter 4;
- (4) Allow any loud, unusual, or obnoxious noises to emanate from his premises;
- (5) Make or allow any sale of beer to any person who is too young to lawfully purchase same, or otherwise ineligible to do so under the laws of the State of Tennessee;
- (6) Allow any such person to loiter in or about his place of business;
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person;
- (8) Allow drunk or disreputable persons to loiter about his premises;
- (9) Serve or sell on his premises any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight, unless the business also has a liquor by the drink permit from the Tennessee Alcohol Beverage Commission;
- (10) Allow gambling or gambling paraphernalia on premises;
- (11) Fail to provide and maintain separate sanitary toilet facilities for men and women; or
- (12) Allow any beer to be consumed on or about the premises when the sale of beer is prohibited. All containers of beer shall be removed from bars, tables, and patrons when the sale of beer is prohibited. (Ord. #697, Jan. 2015, as amended by Ord. #698, March 2015)

8-312. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the city council. Pursuant to Tennessee Code Annotated, § 57-5-606, 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 vendors certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. #697, Jan. 2015)

8-313. Drinking beer or possessing open containers of beer on streets, etc. It shall be unlawful for any person to consume beer or possess or transport open containers thereof on any of the streets, alleys, or sidewalks of the city, in automobiles or in any public place, other than consumption on premises of a beer permit holder, as described in § 8-318, and temporary on-site consumption permit as described in § 8-319. (Ord. #697, Jan. 2015, as amended by Ord. #706, Feb. 2016 and Ord. #709, April 2016)

8-314. Privilege tax. There is hereby imposed on the business of selling, distributing, storing, or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate, or association engaged in the sale, distribution, storage, or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Hohenwald, 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. (Ord. #697, Jan. 2015)

8-315. Requiring beer permit users to have current business license. Holders of beer permits shall be required to hold current business licenses. Applicants for beer permits must show that they have or are applying

for a business license. Permit holders who allow their business license to become delinquent may be subject to revocation of beer permits after thirty (30) days' written notice and a hearing. Be it farther enacted that, after thirty (30) days' written notice and hearing, utility services may be discontinued to any business not holding a current business license. (Ord. #697, Jan. 2015)

8-316. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the Tennessee Responsible Vendor Act of 2006, Tennessee Code Annotated, §§ 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (Ord. #697, Jan. 2015)

8-317. Revocation of clerk's certification. (1) Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

(2) Note: Beer vendors are required to comply with the signing requirements of Tennessee Code Annotated, § 57-5-301 which requires:

(a) The posting of an eight and one half by five and one half inch (8-1/2" x 5-1/2") sign that shall read as follows: "If You Aren't 21 and Are In Possession of Beer, You Could Lose Your Driver's License;" and

(b) A sign eight and one half by eleven inches (8-1/2" x 11") stating the following: "State Law Requires Identification For The Sale of Beer." (Ord. #697, Jan. 2015)

8-318. Consumption on the premises. (1) Beer shall only be made available for sale or consumption by a permit holder with an on-premises retail sales permit to persons who remain inside the business establishment or in the permitted service area.

(2) The permitted service area shall include:

(a) All permanent decks and porches contiguous to the exterior in which the business is located and that are operated by the business;

(b) For a restaurant located within a golf course clubhouse, the adjacent part of the facility which is used for the golfing activity; and

(c) For a restaurant located within a bowling alley, the adjacent part of the facility which is used for bowling activity. (Ord. #706, Feb. 2016)

8-319. Temporary on-site beer consumption permit.

(1) A temporary permit which allows consumption of beer during times which are prohibited by ordinance may be obtained by application given to the beer board forty-five (45) days in advance to the event date.

(2) A temporary on-site consumption permit may be applied for by any party who meets the requirements set forth herein, with a non-refundable fee of one hundred fifty dollars (\$150.00) being paid for the initial permit, voted on and granted by the beer board. A subsequent permit for the same venue may be obtained through city hall, upon the approval of the beer board, for additional dates at a fee of fifty dollars (\$50.00) per occurrence. A limit of five (5) subsequent permits may be obtained in a calendar year. All temporary permits expire January 31 of each calendar year. Applicants may reapply beginning February 1 of each calendar year.

(a) Applicants must possess a current City of Hohenwald business license to apply for a temporary on-site consumption permit.

(b) Applicants must possess a permanent City of Hohenwald beer permit to apply for a temporary on-site consumption permit.

(c) The venue listed on the application for temporary on-site consumption must conform to existing on-site consumption ordinances.

(d) The temporary on-site consumption permit is non-transferrable.

(e) The application for temporary on-site consumption permit shall clearly define the drinking area, with the chief of police having inspected and approved the site, before the beer board meeting.

(f) The start and end times for the event must be clearly stated in the application but must not begin prior to 8:00 A.M. and must end no later than 2:00 A.M. of the following day.

(3) The governing body responsible for issuing a supplemental on-site consumption permit will be the City of Hohenwald Beer Board and must be applied for forty-five (45) days prior to the event. The beer board will be the final authority on temporary on-site consumption permits and may not be appealed.

(4) The governing body responsible for issuing of subsequent permits will be the beer board. Any supplemental permit must be applied for forty-five (45) days in advance. Any permit can be denied or amended for any reason cited by the chief of police or his designee but may be appealed to the beer board at the next regular meeting.

(5) If any event is held within the municipality without the proper approved permits, the chief of police or his designee will stop the event and may cite the violator into court and a fine up to fifty dollars (\$50.00) per day may be levied per event. Any permit holder who violates the terms of the permit will be disqualified for permits for a term of one (1) year, and the event may be immediately stopped. (Ord. #709, April 2016)