

## TITLE 8

### ALCOHOLIC BEVERAGES<sup>1</sup>

#### CHAPTER

1. BEER.
2. ALCOHOLIC BEVERAGES OTHER THAN BEER.
3. INTOXICATING LIQUORS.

#### CHAPTER 1

### BEER<sup>2</sup>

#### SECTION

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**8-101. Beer board established.** There is hereby established a beer board to be composed of five (5) members appointed by the mayor with consent of the council. All members of the beer board shall be citizens of the city or owners of real property located in the City of Lawrenceburg. Beer board members shall be appointed for five (5) year terms except that the first members

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>Municipal code references

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).

shall be appointed for staggered terms so that the term of one (1) member shall expire each year thereafter. Beer board members shall hold office for their term or until their successors are appointed and qualified. No board or committee member may serve more than twelve (12) consecutive years in the same board or committee position.<sup>1</sup>A chairman shall be elected annually by the board from among its members. The Board of Mayor and Council may also, by resolution adopt from time to time as they deem proper the amount of compensation to be paid, and the time of payment, to the members of said beer board for their services thereon, as said council may deem proper; provided that the members of said beer board may serve without compensation for services thereon.

If at any time all places on such beer board are vacant or unfilled, the Board of Mayor and Council shall serve as and perform the duties of, such beer board. If vacancies should occur in such beer board the Board of Mayor and Council shall appoint one (1) or more of their members, as may be necessary, to serve as a member or members of the beer board until the vacancy or vacancies are filled. (1999 Code, § 8-101, modified, and amended by Ord. #1091, March 2012)

**8-102. 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 administration building at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman or any two members provided he or they give a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time or place. (1999 Code, § 8-102)

**8-103. Record of beer board proceedings to be kept.** The city administrator or his designee 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. (1999 Code, § 8-103, modified)

**8-104. 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. (1999 Code, § 8-104)

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<sup>1</sup>Charter reference  
Article IV, Section G(1).

**8-105. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to approve or disapprove and/or restrict applicants for the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter, subject to the provisions of state law. (1999 Code, § 8-105, modified)

**8-106. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all intoxicating beverages such as beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1999 Code, § 8-106)

**8-107. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute, or manufacture beer without first making application to and obtaining a permit from the beer board of the City of Lawrenceburg. The application shall be made on such form as the beer board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101 et seq., 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 Lawrenceburg. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

Permits so issued shall continue in effect so long as the owner and operator of the premises remains the same and the location of the premises remains the same, and the establishment continues to do business; the location of the establishment remains the same; the establishment continues to be operated under the name identified in the permit application and the annual privilege tax is paid. (1999 Code, § 8-107, modified)

**8-108. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, of each year, to the City of Lawrenceburg, 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. (1999 Code, § 8-108)

**8-109. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by

the beer board so as to authorize sales only for on or off premises consumption. A single permit may be issued for on premise and off premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit. It shall likewise be unlawful not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

No permit shall be issued to sell any beverage coming within the provisions of this chapter in violation of the zoning ordinance of the City of Lawrenceburg, Tennessee. (1999 Code, § 8-109)

**8-110. Types of permits.** (1) Club permits. There presently exists four (4) clubs in the City of Lawrenceburg with a beer permit which were issued pursuant to Ord. #507 of the City of Lawrenceburg. Club permits are limited to the four (4) in existence on August 10, 1999

The possession for sale, storage for sale, and sale at retail of beer is permitted to establishments holding a club permit under the provisions and conditions of this chapter.

Such holders of club permits are permitted to sell, serve or dispense to their respective members thereof, and to any guest of a member, when the guest is accompanied by a member, at the club premises, cooled beer for consumption on the premises where sold, delivered, served, and/or dispensed, and such clubs are also permitted to sell or deliver to its respective members, at the club premises, cooled or uncooled beer for off-premises consumption; Provided, that a list of guests of members, be kept and at all times be maintained, and be subject to inspection by representatives of the City of Lawrenceburg, and that any member of such club who is the bartender or who is employed in the sale or serving of beer is prohibited from selling, serving, delivering, or dispensing beer to any guest of such bartender or employee; Provided, further, that such beer is sold, serviced and dispensed, or delivered only to members of the club who hold valid, unexpired membership of the club, for either on-premises consumption (which may include service of beer to such guests as aforesaid) or off-premises consumption, and that such sales, service, and delivery of beer shall be in compliance with the hours allowed in this chapter. Provided however any holder of a club permit who also holds a liquor by the drink license issued by the Tennessee Alcoholic Beverage Commission shall be allowed to sell, serve, deliver, or dispense beer during the same days and same hours as it is authorized to sell liquor by the drink by the Tennessee Alcoholic Beverage Commission. The sale and/or service or delivery of beer by any club, club member, or any officer or employee thereof or by its bartender, to any person, including members of such club, who is a minor (i.e. a person under the age of twenty-one years) or to any person who is not a member of the club or who doesn't hold a valid unexpired membership, except a guest accompanied by the member, is expressly prohibited, and likewise any purchases or receipts of beer

from such clubs by such persons and/or at such times, are prohibited, and any such sale or purchase is declared to be illegal, and unlawful.

(2) Off premises permit. An off premises permit shall be issued for the consumption of beer only off the premises of such seller and said beer is not to be consumed by the purchaser or other persons upon the premises of such seller.

(3) On premises permit. An on premises permit shall be issued for the consumption of beer on the premises of such seller. To qualify for an on premises permit, an establishment must, in addition to meeting the other regulations in this chapter:

(a) Be primarily a restaurant or bowling alley; and

(b) Be able to seat a minimum of thirty (30) people, in booths and at tables, in addition to any other seating it may have; and

(c) The monthly beer sales of any establishment that holds an on premises permit shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding fifty percent (50%) of its gross sales, shall have its beer permit revoked. Provided however, the beer board shall not suspend, revoke, or deny an on premises permit to a business engaged in the sale of beer on the basis that beer sales exceed fifty percent (50%) of its gross sales if a valid on premises permit has been issued to any business as of August 10, 1999; provided further, however, that this exception shall not apply if beer is not sold, distributed or manufactured at that location during any continuous six (6) month period after August 10, 1999.

(d) For the purposes of this chapter a "restaurant" is defined as an establishment in which a diversified selection of food and beverages are offered for sale within the building in which the establishment is located, and has a kitchen separate and apart from the dining area; but adjoining the dining area, in which food is prepared for consumption by the public, and the serving of food or meals constitutes the principal business of such establishment and the serving of beer being only an incidental part of the business.

(e) For the purpose of this chapter a "bowling alley" is defined as an establishment which has permanently affixed bowling lanes for the sport of bowling and the sport of bowling constitutes the principal business of such establishment and the serving of beer being only an incidental part of the business.

(4) Special event permit. (a) The beer board shall have the authority to issue temporary permits for the sale, storage, dispensing, serving, distribution and/or manufacture of beer in the city for periods not to exceed a total of ten (10) days during a calendar year. A temporary permit may be issued by the beer board for scheduled sporting, recreation, amusement, dining, entertainment and other similar events and activities and shall specify with reasonable particularity the premises on

which the permit shall be valid and the time or times during which the permit shall be valid. Temporary permits shall be issued upon the same conditions governing other permits except that the posting of a sign on the premises shall not be required as part of the application process, and the beer board shall determine and specify the terms and conditions for issuance of each temporary permit. Temporary permits may be issued for on-premises consumption.

(b) A special event permit may be issued by the beer board and is a permit which may be issued to a charitable or nonprofit organization hosting or sponsoring the event. Such permit shall be issued for a period of time not to exceed ten (10) days, subject to the hours of sale which may be imposed by law or regulation, and such permit may be issued in advance of its effective date. A multiple event permit may be issued for a fixed number of events during a calendar year (provided a fee of two hundred fifty dollars (\$250.00) for each event listed in the multiple event application has been paid). Such permit shall not be issued unless and until there shall have been paid to the City of Lawrenceburg for each such permit a fee of two hundred fifty dollars (\$250.00) and there shall have been submitted to the beer board an application which designates the premises and the confined area on the premises upon which beer shall be served and consumed. The application for a special event permit shall set forth the following information:

(i) The name, address and telephone number of the presiding officer of the charitable or nonprofit organization seeking a special event permit; and

(ii) The name, address and telephone number of the person responsible for beer sales under the permit; and

(iii) The date(s) and time(s) when the event will be held; and

(iv) The hours when beer sales will be conducted during the event; and

(v) The proposed location for the same, storage, dispensing and distribution is to take place.

(vi) The proposed confined area on the premises where consumption of beer is to be restricted to. (Map or drawing of the premises with the confined area highlighted.)

(c) A special event permittee shall be restricted where hours of sale, distribution, dispensing or serving shall terminate at 10:00 P.M. on any date during the permit time and shall be unlawful for the special event permit holder to allow the sale, distribution, dispensing or serving past 10:00 P.M. on any date during her permit duration.

(d) Special event permit holders shall allow the sale, distribution, dispensing, or serving of more than three (3) sixteen (16) ounce containers of beer to any one (1) patron during any calendar day.

The special event permittee shall provide the beer board with their plans and procedures to assure that no patron shall be served more than three (3) sixteen (16) ounce containers of beer during any calendar day when applying for the special events permit.

(e) Special event permittees shall not allow the sale, distribution, dispensing, or serving of beer in any container that advertises beer or other alcoholic beverage on the container.

(f) Special event permittees shall not allow persons under the age of twenty-one (21) in the confined area where the sale, distribution, dispensing or serving of beer is taking place.

(g) Special event permittees must have food sales available at the event in order to qualify for a special event permit. (Ord. #942, June 2001, as amended by Ord. #1077, June 2011, Ord. #1121, Nov. 2013, Ord. #1203, July 2017 *Ch4\_03-28-19*, and Ord. #1223, Feb. 2018 *Ch4\_03-28-19*)

**8-111. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred (300) feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the front door on the building from which beer will be manufactured, stored or sold to the front door of the hospital, school, church or other place of public gathering unless a specific waiver is granted by the beer board after a full hearing. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1995, unless beer is not sold, distributed or manufactured at that location during any continuous twelve-month period after January 1, 1995. (1999 Code, § 8-112)

**8-112. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (1999 Code, § 8-113)

**8-113. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer. This prohibition shall not apply to any establishment with a beer permit that engages in the restaurant business or bowling alley business. Nothing herein shall be interpreted as a prohibition of employing a minor in the restaurant business or the bowling alley business.

(2) Make or allow any sale, service, delivery or dispensing of beer between the hours of 2:00 A.M. and 6:00 A.M. on Monday through Saturday and between the hours of 2:00 A.M. and 10:00 A.M. on Sundays. This prohibition shall not apply to any establishment which has a liquor by the drink license issued by the Tennessee Alcoholic Beverage Commission. Any establishment having a liquor by the drink license shall be allowed to sell beer during the same hours it is authorized to sell liquor by the drink as established by the Tennessee Alcoholic Beverage Commission.

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

(4) Allow any person under twenty-one (21) years of age to loiter in or about his place of business. This prohibition shall not apply to any establishment involved in the restaurant business or bowling alley business.

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

(6) Allow drunk persons to loiter about his premises.

(7) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1999 Code, § 8-114, as amended by Ord. #942, June 2001, Ord. #1027, Sept. 2007, Ord. #1077, June 2011, and Ord. #1121, Nov. 2013)

**8-114. Revocation of beer permits.** (1) 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 or state law. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board or by the district attorney.

(2) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell

beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years. (1999 Code, § 8-115, as amended by Ord. #1027, Sept. 2007)

**8-115. 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 and 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 and 00/100 dollars (\$1,000.00) for any other offense.

(3) The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand and 00/100 dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

(4) 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.

(5) 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. (1999 Code, § 8-116, modified, as amended by Ord. #Ord. #1027, Sept. 2007)

**8-216. Loss of clerk's certification for sale.** If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #1027, Sept. 2007)

## CHAPTER 2

### ALCOHOLIC BEVERAGES OTHER THAN BEER<sup>1</sup>

#### SECTION

- 8-201. Alcoholic beverages subject to regulation.
- 8-202. Application for certificate.
- 8-203. Applicant to agree to comply with laws.
- 8-204. Applicant to appear before board of mayor and commissioners; duty to give information.
- 8-205. Action on application.
- 8-206. Deleted.
- 8-207. Applicants for certificate who have criminal record.
- 8-208. Only one establishment to be operated by retailer.
- 8-209. Where establishments may be located.
- 8-210. Retail stores to be on ground floor; entrances.
- 8-211. Limitation on number of retailers.
- 8-212. Sales for consumption on premises.
- 8-213. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-214. Inspection fee.
- 8-215. Violations.

**8-201. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of the City of Lawrenceburg except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #1021, June 2007)

**8-202. Application for certificate.**<sup>2</sup> 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 commissioner<sup>3</sup>, an application in writing

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<sup>1</sup>State law reference

Employee and server permits: Tennessee Code Annotated, § 57-3-701, et seq.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 57-3-208.

<sup>3</sup>State law reference

Tennessee Code Annotated, § 57-3-208 requires the certificate to be signed by the mayor or a majority of the governing body.

shall be filed with the city administrator on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.
- (2) Number of years of residence in the City of Lawrenceburg and Lawrence County, Tennessee.
- (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. If the applicant is an LLC, they shall list the name, age and address of the members, their degree of ownership. All parties shall also list the place of residence and length of residence of all partners, owners, stockholders and members.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership, corporation or LLC, the application shall be verified by the oath of each partner, or by the president of the corporation or the members of the LLC.

Each application shall be accompanied by a non-refundable investigation fee of two hundred and fifty dollars (\$250.00) per person associated with the applicant. (as added by Ord. #1021, June 2007)

**8-203. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the State for sale of alcoholic beverages. (as added by Ord. #1021, June 2007)

**8-204. Application to appear before board of mayor and commissioners; duty to give information.** An applicant for a certificate of compliance may be required to appear in person before the board of mayor and commissioners for such reasonable examination as may be desired by the board. (as added by Ord. #1021, June 2007)

**8-205. 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 Council within thirty (30) days of the date each application was filed.

The Board of Mayor and 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 Council. (as added by Ord. #1021, June 2007, and amended by Ord. #1091, March 2012)

**8-206. [Deleted.]** (as added by Ord. #1021, June 2007, and deleted by Ord. #1117, Sept. 2013)

**8-207. Applicants for certificate of compliance who have criminal record.** No certificate of good moral character 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, corporation, LLC or other entity, any partner, any stockholder, officer or member, who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or convicted 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. (as added by Ord. #1021, June 2007)

**8-208. Only one establishment to be operated to retailer.** No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #1021, June 2007)

**8-209. Where establishments may be located.** It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose, but in no event shall any establishment be located within three hundred (300) feet of a hospital, church or school, or any other place of public gathering, measured in a straight line from the front door on the building from which alcoholic beverage will be manufactured, stored or sold to the front door of the hospital, school, church or other place of public gathering. (as added by Ord. #1021, June 2007)

**8-210. Retail stores to be on ground floor; entrances.** No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one 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. (as added by Ord. #1021, June 2007)

**8-211. Limitation on number of retailers to be licensed.** Within the corporate limits of the City of Lawrenceburg there shall be a limit on the number of retailers licensed to sell alcoholic beverages other than beer under the provisions of this chapter. That limit shall be one (1) retailer for every three thousand four hundred (3,400) inhabitants of the City of Lawrenceburg according to the latest federal census, whether regular or special. No person, firm or corporation shall be licensed under this chapter or permitted by the City of Lawrenceburg to engage in the sale or distribution of alcoholic beverages other than beer in excess of one licensee for every three thousand four hundred (3,400) inhabitants of Lawrenceburg according to the last federal census, whether regular or special. When the number of licenses issued under this chapter for retail dealers in alcoholic beverages other than beer within the corporate limits of the City of Lawrenceburg equals one for every three thousand four hundred (3,400) inhabitants of said city according to the last federal census, whether special or regular, all other applications for a license to engage in the retail sale of alcoholic beverages within the limits of said city shall be opposed by the City of Lawrenceburg before the alcoholic beverage commission, unless or until some person, firm or corporation holding such a valid license discontinues the operation of a retail liquor establishment in the City of Lawrenceburg.

Based upon the most recent census in the City of Lawrenceburg, the City of Lawrenceburg has more than ten thousand (10,000) residents but less than thirteen thousand six hundred (13,600) residents. Accordingly, the issuance of licenses based upon the above population limits, there shall be no more than three (3) retail licenses issued for the sale of alcoholic beverages other than beer within the city limits of the City of Lawrenceburg until a regular or special census shows the City of Lawrenceburg's population at thirteen thousand six hundred (13,600) or more. (as added by Ord. #1021, June 2007, amended by Ord. #1023, July 2007, and Ord. #1091, March 2012, and replaced by Ord. #1095, May 2012 *Ch4\_03-28-19*)

**8-212. Sales for consumption on premises.** No alcoholic beverages shall be sold for consumption on the premises of the retail establishment. (as added by Ord. #1021, June 2007)

**8-213. Radios, amusement devices and seating facilities prohibited in retail establishments.** No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #1021, June 2007)

**8-214. Inspection fee.** The City of Lawrenceburg hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (as added by Ord. #1021, June 2007)

**8-215. 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. (as added by Ord. #1021, June 2007)

## CHAPTER 3

### INTOXICATING LIQUORS

#### SECTION

- 8-301. Definition of alcoholic beverages.
- 8-302. Consumption of alcoholic beverages on premises.
- 8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-304. Annual privilege tax to be paid to the city administrator.
- 8-305. Concurrent sales of liquor by the drink and beer.
- 8-306. Advertisement of alcoholic beverages.

**8-301. Definition of alcoholic beverages.** As used in this chapter, unless the context indicates otherwise: alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (as added by Ord. #1075, June 2011)

**8-302. Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of the City of Lawrenceburg, Tennessee. It is the intent of the board of mayor and council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Lawrenceburg, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #1075, June 2011)

**8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Lawrenceburg 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 Lawrenceburg alcoholic beverages for consumption on the premises where sold. The privilege tax amount shall be as follows:

- |     |                                 |            |
|-----|---------------------------------|------------|
| (1) | Private club                    | \$ 300.00  |
| (2) | Convention center               | \$ 500.00  |
| (3) | Premier type tourist resort     | \$1,500.00 |
| (4) | Historic performing arts center | \$ 300.00  |
| (5) | Urban park center               | \$ 500.00  |

(6)	Commercial passenger boat company	\$ 750.00
(7)	Historic mansion house site	\$ 300.00
(8)	Historic interpretive center	\$ 300.00
(9)	Community theater	\$ 300.00
(10)	Zoological institution	\$ 300.00
(11)	Museum	\$ 300.00
(12)	Establishment in a terminal building of a commercial air carrier airport	\$1,000.00
(13)	Commercial airline travel club	\$ 500.00
(14)	Public aquarium	\$ 300.00
(15)	Motor speedway	\$1,000.00
(16)	Sports facility	\$1,000.00
(17)	Theater	\$ 300.00
(18)	Restaurant, according to seating capacity, on licensed premises:	
	(a) 75 – 125 seats	\$ 600.00
	(b) 126 – 175 seats	\$ 750.00
	(c) 176 – 225 seats	\$ 800.00
	(d) 226 – 275 seats	\$ 900.00
	(e) 276 seats and more	\$1,000.00
	Wine-only restaurant, according to seating capacity on licensed premises:	
	(a) 40 – 125 seats	\$ 120.00
	(b) 126 – 175 seats	\$ 150.00
	(c) 176 – 225 seats	\$ 160.00
	(d) 226 – 275 seats	\$ 180.00
	(e) 226 seats and more	\$ 200.00
(19)	Caterers	\$ 500.00
(20)	Hotels, according to room capacity, on licensed premises:	
	(a) 0 – 99 rooms	\$1,000.00
	(b) 100 – 399 rooms	\$1,000.00
	(c) 400 rooms and over	\$1,000.00

(as added by Ord. #1075, June 2011)

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

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 Lawrenceburg shall remit annually to the city administrator the appropriate tax described in § 8-303. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make

payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #1075, June 2011)

**8-305. 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 Lawrenceburg, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding the provisions of the ordinances of the City of Lawrenceburg, qualify to receive a beer permit from the city, upon the application and approval for a beer permit from the beer board. (as added by Ord. #1075, June 2011)

**8-306. Advertisement of alcoholic beverages.** All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #1075, June 2011)