TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Scope of chapter.
8-102. State laws to be complied with.
8-103. Restrictions on operators of retail stores.
8-104. Certificate of good moral character-forms and fee.
8-107. Certificate of good moral character-approval, etc.
8-109. Privilege license required.
8-110. Regulations of sales.
8-111. Retail store restrictions and inspection.
8-112. Inspection fees.
8-113. Public drinking and display prohibited.
8-114. Penalties.

8-101. Scope of chapter. This chapter shall govern the storage, transportation, sale, distribution and possession of alcoholic beverages in the City of Lebanon. In this chapter "alcoholic beverages" shall mean and include alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, 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.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic

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1Municipal code reference
Open containers prohibited: section 11-1002.

2Ord. 90-817 upon which this chapter is based repealed in its entirety chapter 1, title 2 of the 1968 municipal code.
content of five percent (5%) by weight or less, and no ordinance related thereto
is modified by this chapter. (Ord. 90-817)

8-102. **State laws to be complied with.** No person, firm, corporation,
association or partnership shall engage in the wholesale or retail liquor business
unless all the necessary state licenses and permits have been obtained. (Ord.
90-817)

8-103. **Restrictions on operators of retail liquor stores.**

(1) **Government employees prohibited from obtaining permit.** No
person, member of a firm, corporation, or partnership shall operate a retail store
for the sale of alcoholic beverages herein defined if he is a holder of a public
office, either appointed or elective, or who is a public employee either national,
state, city or county except uncompensated appointed members of boards of
commissioners who have no duties covering the regulation of permit holders
under this chapter. It shall be unlawful for any such person to have any interest
in such retail business directly or indirectly, either proprietary or by means of
any loan, mortgage, or lien, or to participate in the profits of any such business.

(2) **Residence requirements.** No person, member of a firm, corporation,
partnership or association shall own or operate a retail store for the sale of
alcoholic beverages as herein defined if he shall not have been a resident of
Wilson County for five (5) years prior to making application for a license. This
requirement as to residence in the case of a corporation, firm, associations, or
a partnership shall apply to all of its officers, stockholders, and partners.

(3) **Age limit.** No retailer engaged in any activity covered by this
chapter shall be a person under the age of eighteen (18) years. No employee
engaged in any activity covered by this chapter shall be a person under the age
of eighteen (18) years, and it shall be unlawful for any retailer or employee to
permit any such person under the age of eighteen (18) in his place of business
to engage in the sale of alcoholic beverages.

(4) **Employees.** No retailer shall employ in the sale, storage, or
distribution of alcoholic beverage any person who, within ten (10) years prior to
the date of his employment, shall have been convicted of a felony or of any law
regulating intoxicating liquors or controlled substances, and in case an employee
should be so convicted after becoming employed he shall immediately be
discharged.

(5) **Transfer or sale of license prohibited.** The holder of a license may
not sell, assign, or transfer such license to any other person, and the license
shall be good and valid only for the calendar year in which the same was issued
and at the location specified in the license.

(6) **Undisclosed interest prohibited.** It shall be unlawful for any person
to have ownership in or to be a partner in or a stockholder, director, or officer,
or to participate directly or indirectly in the profits of any business for which a
license is granted hereunder, unless his interest in the business and the nature,
extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and the purchaser. (Ord. 90-817)

8-104. Certificate of good moral character-forms and fee

(1) Forms and fee. Before any character certificate, as required by Tennessee Code Annotated, section 57-3-208 or a renewal as required by 57-3-213 shall be signed by the mayor, or by any aldermen, an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:
   (a) Name, age and address of the applicant.
   (b) Number of years residence in the city.
   (c) Occupation or business and length of time engaged in such occupation or business.
   (d) 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.
   (e) If employed, the name and address of employer.
   (f) If in business, the kind of business and location thereof.
   (g) The location of the proposed store for the sale of alcoholic beverages.
   (h) The name and address of the owner of the store.
   (i) 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.

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

1State law reference
Tennessee Code Annotated, section 57-3-208.

2State law reference
Tennessee Code Annotated, section 57-3-208 requires the certificate of good moral character to be signed by the mayor or a majority of the governing body.
shall be verified by the oath of each partner, or by the president of the corporation.

    Each application shall be accompanied by a non-refundable investigation fee of two hundred and fifty dollars ($250.00).

(2) Privilege license tax. In addition to the investigation fee levied under section 8-104(1) above, there shall be levied on the business a privilege license tax in accordance with the provisions of the "Business Tax Act" as enacted by Tennessee Code Annotated, § 67-4-101 et seq. (Ord. 90-817, modified)

8-105. Certificate of good moral character-expiration and renewal. Certificates of good moral character issued under this chapter shall expire after two years or any time there is a change in ownership of the licensed establishment or any time a license issued by the alcoholic Beverage Commission is revoked, canceled, or otherwise terminated other than by annual expiration.¹ (Ord. 90-817; ord. 92-952, modified)

8-106. Certificate of good moral character-issuance. A certificate of compliance shall be authenticated as any other resolution of the city council if the city council while in session shall find that the applicant fulfills all the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.

(2) If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.

(4) The applicant has not been convicted of a felony within ten (10) years prior to the date of application.

(5) In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.

(6) The applicant or applicants meets all the other requirements of this chapter. (Ord. 90-817)

8-107. Certificate of good moral character-approval, etc. (1) An application for certificate of compliance must be submitted by all owners, partners, stockholders or directors of the store, whether same is a firm,

partnership or corporation and the failure to reveal the financial interest of any person or corporation shall be grounds for the denial of the certificate of compliance and/or the revocation of the certificate of compliance. No applicant shall apply individually, as a member of a partnership, nor as a stockholder, officer or director on more than one application, nor hold more than one permit at the same time.

(2) A copy of each application form, questionnaire, partnership agreements or any other form of material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, shall be attached to the city application form and shall become a permanent part thereof as if copied verbatim therein. The commissioner of finance and revenue shall review the applications and notify the applicants, the city council and mayor of any errors and insufficiencies based on the application. The application shall be signed and verified as to all owners, partners, stockholders, directors or otherwise and shall reflect the names of all persons having any financial interest in and to the proposed liquor store. No sale, transfer or gift of any interest of any nature, either financial or otherwise, shall be made without first obtaining a permit from the City of Lebanon and the State of Tennessee Alcoholic Beverage Commission. (Ord. 90-817)

(1) Filing an application. All applications submitted in accordance with this chapter shall be filed with the commissioner of finance and revenue at least ten (10) days prior to a regular or special called meeting. The mayor and city council shall receive the applications and take appropriate action in accordance with this chapter.

(2) Employee permits. Applicants for an employee permit to serve as an employee in the place of business of a retail liquor store under the provision of Tennessee Code Annotated, § 57-3-204 shall submit the name of such employee to the chief of police of the City of Lebanon, and/or the commissioner of finance and revenue. The city shall charge no fee for employee permits. (Ord. 90-817)

8-109. Privilege license required. Before any person shall engage in the sale of alcoholic beverages, a privilege license must be obtained from the commissioner of finance and revenue. There shall be no fee for said license. The commissioner of finance and revenue shall not issue said license until the applicant has qualified as the licensee under the state statutes and state rules and regulations and has exhibited to the commissioner of finance and revenue the state retailers license issued to the applicant by the Alcoholic Beverage Commission. (Ord. 92-952)

8-110. Regulations of sale. (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such beverages
except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) Sales on Sundays prohibited. No retailer shall sell any alcoholic beverages between 11:00 P.M. on Saturdays and 8:00 A.M. on the following Monday of each week.

(4) Sales to minors prohibited. No retailer shall sell any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(5) Sales on certain holidays prohibited. No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and the Fourth of July.

(6) Keeping an unsealed bottle or container prohibited. No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) Sales to person intoxicated prohibited. No retailer shall sell any alcoholic beverages to any person who is drunk, nor shall any retailer sell any alcoholic beverages to any person accompanied by a person who is drunk.

(8) Sales on credit prohibited. No holder of a permit for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered any alcoholic beverages on credit.

(9) Unstamped merchandise prohibited. No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(10) Political advertising prohibited. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) Consumption on the premises prohibited. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller. (Ord. 90-817)

8-111. Retail store restrictions and inspection. (1) No retail store shall be permitted except on property in zoning districts B-4 (highway business), B-5 (interchange business), and M-4 (business/manufacturing park); use on appeal may be granted by the Lebanon Board of Zoning Appeals within other commercial zoning districts. No retail store shall be allowed when it is 450 feet or nearer from the front door of any church or school to the front door of the store, as measured in a straight line, nor on any property adjoining a school or church all based upon conditions existing at the time of the original application.
(2) No retail store shall be located except on the ground floor and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two streets, such retail store may maintain a door opening on each of the public streets. Provided, however, that any salesroom adjoining the lobby of a hotel or other public building may maintain any additional door into such lobby, so long as same shall be opened to the public. In addition, to the fullest extent consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of the sale or dispensing of alcoholic beverages there sold or dispensed. Said building shall be of a permanent type of construction and no store shall be located in a mobile home of other moveable type building. The store shall have night lighting surrounding the outside of the premises, and shall be equipped with a burglar alarm system on the inside of the premises and shall be of a minimum size of 1000 square feet. All retail sales shall be confined to the premises of the structure and no curb service shall be permitted nor shall there be permitted drive-in windows.

(3) Duly authorized representatives of the city shall have the right to inspect the premises of any licensee under this chapter during the hours when such establishments are open for the conduct of business. (Ord. 90-817, modified, as replaced by Ord. #95-1294, §§ 1 and 2, March 1995; and amended by Ord. #04-2570, March 2004)

8-112. Inspection fees. (1) Inspection fee. There is hereby levied and imposed an inspection fee of five percent (5%) on all purchases of alcoholic beverages by the retailer.

(2) 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 delivery of the alcoholic beverages.

(3) 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 of Lebanon as hereinafter provided.

(4) Monthly report - payment. Each wholesaler making sales to retailers located within the corporate limits of the City of Lebanon shall furnish the City of Lebanon a report monthly, which report shall contain the following:

(a) The name and address of the retailer;
(b) The wholesale price of the alcoholic beverages sold to such retailer;
(c) The amount of tax due under this section; and
(d) Such other information as may be required by the commissioner of finance and revenue of the City of Lebanon. The monthly report shall be furnished to the commissioner of finance and
revenue of the City of Lebanon not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Lebanon shall be paid to the City of Lebanon at the time the monthly report is made. Wholesalers collecting and remitting the inspecting fee to the City of Lebanon shall be entitled to reimbursement for this collection service a 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 to the City of Lebanon.

(5) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten (10) percent of the fee due the City of Lebanon which shall be payable to the City of Lebanon.

The City of Lebanon shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of the monthly report.

(6) Disposition of fee. The commissioner of finance and revenue shall deposit all funds collected hereunder in the general fund. (Ord. 90-817, as amended by Ord. #92-952, July 1992)

8-113. Public drinking and display prohibited. 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 or on any public street or sidewalk, or in any public park, playground, theater, stadium, school or school ground. (Ord. 90-817)

8-114. Penalties. Any violation of any section of this chapter, upon conviction, shall be punished according to Tennessee Code Annotated, § 57-3-412. (Ord. 90-817, modified)

8-115. Privilege tax on liquor-by-the-drink. (1) There is hereby levied a tax on the privilege of engaging in the business of selling at retail alcoholic beverages for consumption on premises. For the exercise of such privilege, the following taxes are levied to be paid annually:

<table>
<thead>
<tr>
<th>Category</th>
<th>Tax Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Club</td>
<td>$ 300</td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>$1,000</td>
</tr>
<tr>
<td>Convention Center</td>
<td>$ 500</td>
</tr>
<tr>
<td>Premiere Type Tourist Resort</td>
<td>$1,500</td>
</tr>
</tbody>
</table>
Restaurant, according to seating capacity, on licensed premises:

<table>
<thead>
<tr>
<th>Seats Range</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>75-125 seats</td>
<td>$ 600</td>
</tr>
<tr>
<td>126-175 seats</td>
<td>$ 750</td>
</tr>
<tr>
<td>176-225 seats</td>
<td>$ 800</td>
</tr>
<tr>
<td>226-275 seats</td>
<td>$ 900</td>
</tr>
<tr>
<td>276 seats and over</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

- Historic Performing Arts Ctr: $ 300
- Urban Park Center: $ 500
- Commercial passenger boat co.: $ 750
- Historic Mansion House Site: $ 300
- Community theater: $ 300
- Zoological institution: $ 300
- Museum: $ 300
- Establishment in a terminal building or a commercial air carrier airport: $1,000
- Commercial airline travel club: $ 500

(2) It shall be unlawful for any person to engage in the retail sale of alcoholic beverages for on premises consumption in the City of Lebanon without having first obtained a permit evidencing payment of the aforesaid privilege tax which shall be renewed on March 1 of each year. (Ord. #91-898, §§ 1 and 2, Nov. 1991)
CHAPTER 2

BEER

SECTION
8-201. Scope of chapter.
8-203. Issuance of beer license authorized.
8-204. Applications for and issuance of permits; record of permits issued; investigation of applications.
8-205. Location restrictions for beer permits.
8-206. Revocation and suspension of beer permits.
8-207. Revocation of permits for false statements in application.
8-208. Restrictions on issuance of permit to applicant who has had permit revoked.
8-209. Restrictions of issuance of permit at same location after revocation.
8-210. License fee forfeited upon revocation of permit.
8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required.
8-212. Beer permit to be posted.
8-213. Premises subject to inspection.
8-214. Unlawful to engage in beer business without paying license fee and obtaining a permit.
8-215. License and permit to be posted.
8-216. Brewers and wholesalers prohibited from having interest in retail business.
8-217. Regulation of beer sales.
8-218. Penalties.
8-219. Severability.

8-201. **Scope of chapter.** This chapter shall govern the storage, transportation, sale, distribution, possession, receipt and/or manufacture of beer of alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content in the City of Lebanon. In this chapter "beer" shall mean and include beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight, or more and no ordinance related thereto

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1Ord. 91-835 upon which the chapter is based repealed in its entirety chapter 2, title 2 of the 1968 municipal code, as amended.
is modified by this chapter. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-202. Beer board membership, organization, meetings, and quorum. The beer board of Lebanon, Tennessee, shall consist of five (5) members, appointed by the mayor and approved by the city council, who shall hold office at the pleasure of the mayor and city council for a term of three (3) years.

Members of the beer board shall select one of their number to act as chairman. It shall be the chairman's duty to preside at meetings of the beer board. The commissioner of finance and revenue shall see that accurate and detailed records are kept of the board's proceedings.

The beer board shall hold regular meetings at such place and at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member and to the public. The board may adjourn a meeting at any time to another time and place.

At all meetings of the beer board, a majority shall constitute a quorum but the board shall act only by vote of a majority of all its members. The chairman may vote in all cases and an affirmative vote of three (3) members shall be required for any action. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-203. Issuance of beer license authorized. The commissioner of finance and revenue shall issue a license for the transportation, storage, sale, distribution, possession, receipt, and/or manufacture of beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content, when the applicant therefor pays the license fee as prescribed in this chapter after a beer permit has been issued in accordance with the provisions of this chapter by the beer board. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-204. Applications for and issuance of permits; record of permits issued; investigation of applications. It shall be the duty of the commissioner of finance and revenue of Lebanon, Tennessee, to receive all applications for beer permits and licenses in Lebanon, Tennessee. It shall then be his and the beer board's duty to act in all matters regarding the same as this chapter provides.

All applications for permits shall be filed and preserved by the commissioner of finance and revenue.

No permit shall be granted by the beer board except in strict conformity with the requirements and provisions of this chapter and of Tennessee Code Annotated, § 57-5-101 et seq.
It shall be the duty of the beer board, among other things, to require all applications for permits to be made in writing and properly verified, and no permit shall be issued until the permit fee prescribed in this chapter has been paid to the city, such payment to be evidenced by the production of a receipt of the commissioner of finance and revenue stamped paid.

Each application shall set forth the following:

1. full name of applicant
2. age of applicant
3. residence address of the applicant, if an individual;
4. the full name, age, and residence address of each partner if the applicant is a partnership;
5. if the applicant is a corporation:
   a. the names and addresses of the principal officers;
   b. whether the corporation is organized under laws of Tennessee or of some other and what state;
   c. whether it is duly authorized to transact business in Tennessee; and
   d. the address of its principal office in this state;
6. place where the business is to be conducted, giving street number, or other Apt. and definite description;
7. the kind of permit desired, whether "manufacturer's " permit, "off-premises consumption" permit, or "on-premises consumption" permit;
8. whether the applicant will conduct business in person, or acting as agent for any other person, firm, corporation;
9. whether or not the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any felony or any crime involving moral turpitude within the past ten years;

Every application shall be dated and signed and shall be verified by affidavit sworn to before a notary public. The application shall be signed and verified by the applicant, if an individual, otherwise by a member of the firm, or an officer of the corporation.

Each permit shall show upon its face the correct name of the individual, corporation, incorporated club, or incorporated lodge to whom issued; the date of issuance; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit; the serial number of the permit; a statement that it is not transferable either as to the person to whom issued or the place where the business is to be conducted.

The commissioner of finance and revenue shall keep a book in which shall be entered separate lists of each class or character of permits issued by the beer board. This record shall show the serial numbers of the permits of each class; the date of issue; the name of the individual, corporation, incorporated club, or incorporated lodge, to whom issued; the place of business by street and number; the character of the permit; the purpose for which granted; the date of
expiration of the permit. In the case of a partnership, the record shall show the names of the partners and the firm name and style of the partnership.

This book shall be kept up to date by the commissioner of finance and revenue and shall be a public record.

It shall be the duty of the beer board to make an investigation in the case of each written application, and to satisfy itself before granting a permit that the granting of the permit will be in strict conformity with the provisions and requirement of this chapter and with the provisions and requirements of Tennessee Code Annotated, § 57-5-101 et seq.

Pursuant to Tennessee Code Annotated, § 57-5-103(e), the mayor and the commissioner of finance and revenue are hereby authorized to take the necessary actions to enter into a contract with the Tennessee Bureau of Investigation for the purpose of running criminal history background and fingerprint checks on applicants for beer permits. Any fees charged by the TBI for the checks shall be passed on to the individual applicants. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998, as amended by Ord. #10-3648, March 2010)

8-205. Location restrictions for beer permits. (1) No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a church, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one (1) or two (2) families, as determined by the distance requirements of subsection (b). This subsection shall not affect any location for which a beer permit was in effect within three hundred sixty-five days (365) of January 6, 2009, the effective date of the ordinance codified in this subsection (a) and, further, shall not affect said location thereafter so long as a beer permit is held for that location without lapse of more than three hundred sixty-five (365) days, even if there is a change of ownership of the location or the business thereon. Provided, however, the foregoing to the contrary notwithstanding, the distance requirements contained herein shall be applied to any location which has been granted a beer permit after January 6, 2009, that was not subject to a minimum distance requirement.

(2) Distances shall be measured in a straight line from the front door of the applicant's location to the front door of any church, school, day care center, nursery school, or dwelling, as determined by the door closest to the street upon which mailing addresses are determined, or, to the closest boundary of the playground of the church, school, or day care center, whichever is closest to the applicant's building. Additionally, such distances shall be measured in a straight line from the front door of the applicant's location to the closest boundary of any park.

(3) Any questions concerning the distance measurement involved may be submitted to the Lebanon Board of Zoning Appeals by either the Lebanon Beer Board or the applicant, for a determination of the correct distance
8-206. **Revocation and suspension of beer permits.** Any permits or licenses issued under this chapter by the beer board may be revoked or suspended by the beer board.

Such revocation or suspension may be made for any violation of any provision of this chapter or any state or federal statute or regulation regarding the sale, possession, or manufacturing of alcoholic beverages or whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit or license under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety and morals.

No permit or license shall be revoked on the grounds the operator or any person working for him sells beer to minors over the age of eighteen (18) years if such minor exhibits an identification, false or otherwise, indicating his age to be twenty-one (21) or over, if his appearance as to maturity is such that he might reasonably be presumed to be of such age and is unknown to such person making the sale. The license or permit may be suspended for a period not to exceed ten (10) days. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-207. **Revocation of permits for false statements in application.** The making of any false statement by an applicant for a permit in his application shall be sufficient ground, reason, and cause for the revocation of the permit issued to him by the beer board. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-208. **Restrictions on issuance of permit to applicant who has had permit revoked.** No holder of a permit whose permit has been revoked by the beer board for any false statement made in his application shall be eligible to be granted another permit within ten (10) years from such revocation.

The holder of a permit whose permit has been revoked by the beer board for some ground, cause, or reason other than the making of a false statement in his application, may be granted another permit by the beer board after the lapse of two (2) years from the revocation of the first permit. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-209. **Restrictions on issuance of permit at same location after revocation.** Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date the revocation becomes final and effective, except the board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such
permit is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-210. License fee forfeited upon revocation of permit. No claim shall be made for refund of any part of a license fee paid by the holder of permit issued by the beer board, nor shall any right to a refund of any part of such license fee accrue to such holder, upon the revocation of such permit by the beer board. (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required. (1) There shall be three (3) classes or kinds of permits issuable by the beer board, as follows:

   (a) A "manufacturer's" permit to a manufacturer of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer, not to be consumed by the purchaser upon or near the premises of the manufacturer, may be issued by the beer board for any plant, building, and premises located within the corporate limits of Lebanon, Tennessee, which may be lawfully devoted to a commercial or industrial use.

   (b) An "off premises consumption" permit to a wholesaler, dealer, or agent of a manufacturer, or to a person, partnership, corporation conducting a lawful business and paying privilege taxes for the conduct of the lawful business, for the receipt, possession, storage, sale, distribution, and transportation of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, not to be consumed by the purchaser upon or near the premises of the permittee.

   (c) An "on premises consumption" permit to an individual, corporation, incorporated club, incorporated lodge, or association for the receipt, possession, storage, and sale at retail of beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, to be consumed by the purchaser and/or his guests upon the premises of the permittee.

(2) The operator of a regularly conducted hotel, to whom an "on premises consumption" permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to persons in rooms of the regularly conducted hotel.

(3) Any regularly incorporated club or lodge, to whom an "on premises consumption" permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to members and guests of the members within the house or building of the club or lodge.
(4) No temporary or special event permits shall be issued by the
Lebanon Beer Board.

(5) No permit of any kind shall be issued by the beer board to a person
under twenty-one (21) years of age.

(6) No permit of any kind shall be issued to any corporation,
incorporated club or incorporated lodge unless the same is chartered and
organized under the laws of the State of Tennessee or domesticated, and duly
authorized to transact business in the State of Tennessee, conducting a lawful
business, and paying the privileges taxes.

(7) No permit of any kind shall be issued by the beer board unless it
shall be made to appear from the written and verified application of the
applicant that neither the applicant nor any person employed or to be employed
by him in the distribution or sale of such beer or such other beverage is under
the age of eighteen (18) or a person who has been convicted of any violation of
the laws against possession, sale, manufacture, or transportation of intoxicating
liquor or of any crime involving moral turpitude within the past ten (10) years.
(Ord. 91-835, modified, as replaced by Ord. #98-1854, Oct. 1998)

8-212. Beer permit to be posted. The beer permit shall be
conspicuously posted in the house, building, room, or place where the business
authorized by the permit is conducted. No person shall engage in the
manufacture or sale of beer within the city limits of Lebanon, Tennessee,
without obtaining a permit as herein provided. (Ord. 91-835, as replaced by
Ord. #98-1854, Oct. 1998)

8-213. Premises subject to inspection. The place of business and
premises of the holder of any permit issued by the beer board shall be open to
inspection and investigation by any police officer of Lebanon, Tennessee, at any
time the place is open for business. Any refusal by the holder of a permit or by
his agents, servants, or employees to permit any police officer to enter upon,
inspect, and investigate any house, building, room, or rooms wherein business
authorized by any permit issued by the beer board is conducted, within the
hours that such house, building, room, or rooms are open for business, shall be
grounds for suspension or revocation of the holder's beer permit. (Ord. 91-835,
as replaced by Ord. #98-1854, Oct. 1998)

8-214. Unlawful to engage in beer business without paying license
fee and obtaining a permit. It shall be unlawful and a misdemeanor,
punishable under the general penalty clause for this code, for any person,
partnership, corporation, association, incorporated club, or incorporated lodge
to manufacture, possess, store, receive, sell, distribute, or transport any beer of
an alcoholic content of not more than five percent (5%) by weight, or any other
beverage of like alcoholic content, within the corporate limits of Lebanon,
Tennessee, without having first paid the license fee prescribed in this chapter
and without first having obtained a permit issued by the beer board.  (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-215. **License and permit to be posted.** The privilege license issued by the commissioner of finance and revenue, showing the payment of the license fee, and the permit issued by the beer board shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted.  (Ord. 91-835, as replaced by Ord. #98-1854, Oct. 1998)

8-216. **Brewers and wholesalers prohibited from having interest in retail business.** It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for any brewer or any wholesaler of any beer of an alcoholic content of not more than five percent (5%) by weight, or of any other beverage of like alcoholic content, or the agent or agents of any such brewer or wholesaler, to make any loan to, or furnish any fixtures of any kind to, or have any interest, direct or indirect, in the business of, or in the premises occupied by, any retailer holding a permit issued by the beer board.  (Ord. 91-835)

8-217. **Regulation of beer sales.** (1) No permittee or his agent or employee shall:

(a) sell and/or serve or give to any minor in the place of business of such permittee, at any time, any beer of an alcoholic content of not more than five percent (5%) by weight, or any other beverage of like alcoholic content.

(b) sell or permit the selling of beer to any person who is in an intoxicated condition.

(c) permit or allow any agent, servant, employee, or other person engaged in the operation or management of any business place so selling beer to drink any intoxicating beverages, liquor, wine, ale, or beer while so engaged.

(d) sell or permit the selling of beer on Christmas Day.

(2) **Hours of sale.** "On-premises consumption" permittees shall not sell beer between the hours of two o'clock A.M. (2:00 A.M.) and eight o'clock A.M. (8:00 A.M.) Monday through Saturday nor between the hours of two o'clock A.M. (2:00 A.M.) and twelve noon (12:00 noon) on Sunday.  No such beverage shall be consumed, or opened for consumption, on or about any premises licensed hereunder, in either bottle, glass, or other container, after two fifteen (2:15 A.M.) o'clock A.M..

"Off-premises consumption" permittees shall not sell beer between the hours of two o'clock A.M. (2:00 A.M.) and six o'clock A.M. (6:00 A.M.) Monday through Saturday and from two o'clock A.M. (2:00 A.M.) and twelve noon (12:00 noon) on Sunday.
(3). "On premises consumption" permittees not to allow beer to be furnished to minors. It shall be unlawful for any such holder of an "on premises consumption" permit, or any agent, servant, or employee of such holder to sell and/or serve, or to give to any person under twenty-one (21) years of age or allow any patron or other person to furnish to any person under twenty-one (21) years of age in the place of business of such holder, at any time, any beer of an alcoholic content of not more than five percent (5%) by weight or any other beverage of like alcoholic content.

(4) Permittees not to employ minors or persons convicted of certain offenses. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for the holder of any kind of permit issued by the beer board to employ in the sale and distribution of any beer an alcoholic content of not more than five percent (5%) by weight or any other beverage of like alcoholic content, any minor under the age of 18 or any person who has been convicted of any violation of laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years.

(5) No sales of draft beer in re-sealed or open container, or containers of beer sealed by the manufacturer shall be sold for off-premises consumption by "on premises consumption" permittee's.

(6) No beer for on premises consumption shall be sold by "off-premises consumption" permittee's.

(7) Any permittee with both "on-premises consumption" and "off-premises consumption" beer permits shall have each business located and operated separate and apart from the other. Any issues concerning the types and location of operation shall be determined by the beer board and rest in their sound discretion.

(8) Regulation of beer permits--public square area. It shall be unlawful for an "on-premises consumption" permit to be issued for any business operation that primarily sells beer in a building on the Lebanon Public Square, or in any building in the area bounded on the north by Market Street, on the east by College Street, on the South by Gay Street and on the west by Maple Street, except for business locations where the express purpose is a replacement or substitution of an existing "on-premises consumption" permit for businesses that primarily sell beer which were in effect on December 5, 1995. Nothing in this section shall in any way affect or diminish any existing permit rights, or renewal thereof, for "on-premises consumption" permits in existence on December 5, 1995 in the subject area, or in any way limit the issuance of such permits outside of the described area. Further, this section does not effect the issuance of an "on-premises consumption" beer permit to applicants in the described area when the sale of beer is incidental to the business operation and not its primary purpose. (As added by Ord. #95-1401, § 1, Dec. 1995, as replaced by Ord. #98-1854, Oct. 1998)
8-218. **Penalties.** (1) Any violation of this chapter shall:
   (a) Be subject to prosecution in the Lebanon City Court as a Class C misdemeanor.
   (b) Be grounds for denial, suspension or revocation of an application or beer permit.
   (c) Be subject to prosecution under appropriate state or federal jurisdiction if state or federal laws are violated.
(2) Separate offense. Each day a violation continues shall constitute a separate offense.
(3) Revocation/suspension. Based upon the nature and the severity of any violation or non-compliance with the provisions set forth herein, and other applicable statutes and law, the Lebanon City Beer Board shall after a full and fair hearing:
   (a) Deny applicant's request for a beer permit.
   (b) Suspend a permittee's license for a specified period of time not to exceed ninety (90) days.
   (c) Revoke a permittee's license beer permit for a period not to exceed ten (10) years.
(4) Appeal. Any such action by the beer board shall be final and appealable only as provided by state law. No appeal from any action of the Lebanon Beer Board shall lie to either the Lebanon City Court nor to the Lebanon City Council. (As added by Ord. #98-1854, Oct. 1998)

8-219. **Severability.** The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this chapter shall remain in full force and effect, it being the intent now declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included therein. (As added by Ord. #98-1854, Oct. 1998)