

**Ordinance No. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF HARROGATE, TENNESSEE REPEALING THE PROHIBITION OF ON-PREMISE INTOXICATING LIQUOR SALES BY FACILITIES WITH STATUTORY AUTHORITY AND ADOPTING A PRIVILEGE TAX ON THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF THOSE DESIGNATED FACILITIES.**

**WHEREAS**, Public Chapter 740 of the 110<sup>th</sup> General Assembly was passed on April 2, 2018, defining a facility within the corporate limits of the City of Harrogate as a “premier type tourist resort”; and

**WHEREAS**, the General Assembly may authorize other locations as premier type tourist resorts, sports authorities, urban park centers, bed and breakfasts, etc. for the purposes of being licensed to sell alcoholic beverages for on-premises consumption; and

**WHEREAS**, Tennessee Code Annotated, § 57-4-301(b) (2) authorizes municipalities to levy and collect a privilege tax for on-premises consumption of alcoholic beverages;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Harrogate, Tennessee that:

**SECTION 1.** Title 8, Chapter 1 of the Municipal Code is hereby repealed in its entirety, and a new Chapter 1 is substituted as follows:

**CHAPTER 1  
INTOXICATING LIQUORS**

**SECTION**

**8-101.** Prohibited generally.

**8-102.** Consumption of alcoholic beverages on premises.

**8-103.** Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

**8-104.** Annual privilege tax to be paid to the City Recorder.

**8-105.** Concurrent sales of liquor by the drink and beer.

**8-106.** Advertisement of alcoholic beverages.

**8-107.** Violations and penalty.

**8-101. Prohibited generally.** Except as authorized by applicable laws and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city/town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. "Beer" shall be defined pursuant to Tennessee Code Annotated, § 57-5-101.

**8-102. Consumption of alcoholic beverages on premises.**

Notwithstanding section 8-101 of this chapter, facilities with specific statutory authority to sell intoxicating liquor to be consumed on the premises or within the boundaries of such location shall be authorized to sell or serve alcoholic beverages on the premises of such facility as permitted by Tennessee Code Annotated, § 57-4-102. 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 code when such sales are conducted within the corporate limits of Harrogate, Tennessee. It is the intent of the Board of Mayor and Aldermen that the Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Harrogate, Tennessee, the same as if the code sections were copied herein verbatim.

**8-103. 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 Harrogate 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 Harrogate on alcoholic beverages for consumption on the premises where sold.

**8-104. 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 Harrogate shall remit annually to the city recorder the appropriate tax described in 8-103. 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.

**8-105. 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 Harrogate, pursuant to Tennessee Code Annotated, Title 57, Chapter 4, shall, notwithstanding the provisions of 8-212 of the ordinances of the City of Harrogate, qualify to receive a beer permit from the city.

**8-106. 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.

**8-107. Violations and penalty.** 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/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.

**SECTION 2.** This ordinance shall take effect upon publication after its final passage in a newspaper of general circulation, the public welfare requiring it.

Approved on First Reading \_\_\_\_\_

Approved on Second Reading \_\_\_\_\_

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Attest: City Recorder**

\_\_\_\_\_  
**City Attorney**