



APPLICATION FOR BEER PERMIT
STATE OF TENNESSEE
CITY OF ALCOA

\$250.00 Application Fee (Non-refundable) RCVD: \_\_\_\_\_

Application for: (check one)

[ ] On Premises

Name of Business

[ ] Off Premises

[ ] Both On and Off Premises

Business Address (Location)

[ ] Manufacturer or Distributor

I hereby make application for a Permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated 57-5-101 et seq. and base my application upon answers to the following questions:

1. Full name of applicant: \_\_\_\_\_

[ ] Person [ ] Firm [ ] Corp. [ ] Joint-Stock Co. [ ] Syndicate [ ] Assoc. [ ] Other \_\_\_\_\_

2. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business (attach additional sheet, if needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* If the applicant is other than one person, the following information should be provided for a member of management (i.e., District Manager, Regional Manager, etc.).

3. Applicant's present home address and dates lived at this residence:

\_\_\_\_\_  
\_\_\_\_\_

4. List addresses of places of residence for the last ten years and respective dates:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Give name, date of birth, and address of any manager other than applicant:

\_\_\_\_\_  
\_\_\_\_\_

6. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: [ ] Yes [ ] No. If yes, give particulars of each charge, court, and date convicted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Has this owner or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Yes  No. If yes, specify where, when, and why.

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8. Name and address of person to receive notices or other communications from the City of Alcoa.

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9. Name and address of property owner, if other than business owner:

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10. Applicant's Social Security Number: \_\_\_\_\_

11. Applicant's Driver's License Number: \_\_\_\_\_

12. Applicant's Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

13. Home telephone: \_\_\_\_\_ Business telephone: \_\_\_\_\_

14. Tennessee Sales Tax Number: \_\_\_\_\_

15. No brewer or distiller of beer or any other beverage of like alcoholic content has any interest, financially or otherwise, in the premises upon or in which the business to be licensed is to be carried on or in the business which is to be licensed.

16. The applicant has at the time of making this application no indebtedness or other financial obligation to any brewer or distiller of beer or other beverages of like alcoholic content.

17. The applicant has not had a license for the sale of alcoholic beverages in the State of Tennessee revoked or suspended within ten years from the date of this application.

18. The applicant hereby agrees, if granted the permit and license herein requested, that he will faithfully and honestly abide by the following regulations:

(a) To comply with all laws of the United States, State of Tennessee, and all ordinances of the City of Alcoa regulating the handling of legalized beverages. The applicant swears or affirms that he has read the City of Alcoa ordinance(s) pertaining thereto. (To be furnished with blank application).

(b) Will not knowingly sell or allow to be sold on the said premises beer, or other beverages of like alcoholic content on Sunday between the hours of 3 o'clock a.m. and 10 o'clock a.m., and between the hours of 3 o'clock a.m. and 6 o'clock a.m. on weekdays, or to minors at any time, or allow a minor to drink beer or other beverages of like alcoholic content in said house or on said premises; will not keep or permit to be kept a bawdy house in the said house or on the said premises, or the gathering together or the visitation to said house or premises of women for lewd or immoral purposes.

(c) Will not convey or grant to any brewer or distiller of beer, or any other beverage of like alcoholic content, any interest in either the said business or in any other property at which said business may hereafter be carried on, and will not during the period the license shall be in force, contract any financial obligation to any brewer or distiller of beer, or other beverage of like alcoholic content, other than the purchase of said beverage.

- (d) Will not sell beer, or other beverages of like alcoholic content, at his place of business, nor will allow the same to be done by his agents, servants and employees between the hours of 3 o'clock a.m. and 6 o'clock a.m. on weekdays, or between the hours of 3 o'clock a.m. and 10 o'clock a.m. on Sunday.
  - (e) Will not use minors as clerks, servants, employees or waiters in the conducting of his business where alcoholic beverages are sold for consumption on the premises.
  - (f) Will not sell beer or other beverage of like alcoholic content, nor will he allow the same to be done at his place of business, to persons in a drunken condition.
  - (g) That if this application is for license to serve beer on the premises, it is agreed that such beverages will be served in the place of business only where meals or lunches are regularly served to customers seated at tables or bars, and that the business is regularly licensed for the sale of such meals or lunches as required by law, said license to run concurrently with permit for the full year.
  - (h) The applicant understands that this permit terminates annually on December 31 and must reapply for an annual permit within the month of January for the subsequent twelve month period beginning January 1 by filing the application provided for in Section 2-203(7) and payment of fee provided in Section 2-210.
  - (i) The applicant agrees that if he has made a false statement in this application, or that if he should violate any of the provisions of Ordinance No. 584 of the City of Alcoa, that the Board may revoke the permit and license which may be issued hereunder.
  - (j) The applicant deposits with the applications the sum of Two Hundred Fifty Dollars (\$250.00) and understands that whether or not the permit is granted, that no party of said sum will be returned to applicant.
19. No brewer or wholesaler of any such beverage or their agent or agents shall be permitted to make any loan or furnish any fixtures of any kind or have any interest direct or indirect, in the business of any retailer of such beverage or in the premises occupied by such retailer.

I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in the distribution or sale of beer in my establishment has been convicted of any violation of the beer or alcoholic beverage laws or any crime involving moral turpitude within the past ten (10) years. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety and morals.

\_\_\_\_\_  
*Applicant*

STATE OF TENNESSEE  
BLOUNT COUNTY

Personally appeared before me, the undersigned authority, \_\_\_\_\_, who made oath in due form of law that he is \_\_\_\_\_ of the business for which a permit is requested in the above application. Affiant further states that all of the statements made in the foregoing petition are true and correct, and that he personally knows that all said facts are true and correct.

\_\_\_\_\_  
*Applicant*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Notary*

My Commission Expires: \_\_\_\_\_

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Received and filed: \_\_\_\_\_

PERSONAL REFERENCES

List four persons (at least three local) who have known you for two (2) years or more. Do not include relatives or business associates. You must give complete addresses including zip code.

NAME	ADDRESS	OCCUPATION
1. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	_____
Email: _____	State/Zip: _____	_____
2. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	_____
Email: _____	State/Zip: _____	_____
3. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	_____
Email: _____	State/Zip: _____	_____
4. _____		
Home Phone: _____	Street: _____	_____
Work Phone: _____	City: _____	_____
Email: _____	State/Zip: _____	_____

Upon filing of the foregoing application, the Board created by Section 2-302 of Ordinance No. 584, after due consideration of the facts therein stated and after due investigation of said matters, act upon said application as follows:

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This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairman

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*For internal use:*

- 1. Application fee of \$250.00 paid  Yes  No
- 2. Does place of business have ground floor entrance  Yes  No
- 3. Distance to closest school or church \_\_\_\_\_ (if On Premise license, must exceed 150 ft.)
- 4. Area properly zoned  Yes  No
- 5. Business License applied for  Yes  No
- 6. Letters received back from references  Yes  No
- 7. Response received from City of Alcoa Police Department  Yes  No
- 8. When the above items are completed, the Recorder shall call a meeting of the City of Alcoa Beer Board to make disposition
- 9. Request for permit  Affirmed  Denied
- 10. Prior to issuance of permit, Recorder must collect a pro rata portion of the \$100.00 annual privilege tax.

# City of Alcoa Municipal Code

## TITLE 8

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

#### CHAPTER

1. GENERAL.
2. SALES OF BEER AND LIGHT ALCOHOLIC CONTENT BEVERAGES.
3. MANUFACTURERS OF BEER AND HIGH ALCOHOL CONTENT BEER.
4. WINE, HIGH ALCOHOL CONTENT BEER, AND INTOXICATING LIQUOR--SALE FOR CONSUMPTION ON-PREMISES.
5. LIQUOR SALES.
6. WINE SALES IN RETAIL FOOD STORES.

#### CHAPTER 1

#### GENERAL

#### SECTION

- 8-101. Definitions.
- 8-102. Sale of alcoholic beverages to minors or intoxicated persons.
- 8-103. Identification required prior to the sale of alcoholic beverages.
- 8-104. Sale to intoxicated persons prohibited.
- 8-105. Duties and prohibited activities of permittee and licensees.
- 8-106. Employment of minors prohibited.
- 8-107. Loitering of minors prohibited.
- 8-108. Signs required.
- 8-109. Manufacturing, selling and distributing generally.
- 8-110. Exceptions.

**8-101. Definitions.** (1) "Alcoholic beverage." (a) Means and includes:

(i) Any and all intoxicating liquor, beer, light alcoholic content beverage, wine, and high alcoholic content beer, as hereinafter defined and, to the extent not included within such definitions;

(ii) Any alcohol, spirits, liquor, wine, beer, ale, malt beverages, high alcohol content beer, and every liquid containing alcohol, spirits, liquor, wine, beer, ale, malt beverages, high alcohol content beer capable of being consumed by a human being; and

(iii) Any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content.

(b) But does not mean and include:

(i) Products or beverages containing less than one-half of one percent (.5%) alcohol by volume, other than wine as defined in this § 8-101; and

(ii) Patent medicine as defined in Tennessee Code Annotated, § 57-5-101(b).

(2) "Beer" means an Alcoholic Beverage having an alcoholic content of not more than eight percent (8%) by weight and made by the alcoholic fermentation of an infusion or decoction or combination of both in potable brewing water of malted grains with hops or their parts or their products; provided, however, that not more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol but not including Wine as defined below.

(3) "Beer permit" means the tangible approval of the beer board allowing a business to sell and/or serve beer.

(4) "Certificate of compliance" means the certificate required by Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(5) (a) "Church" means a building or property where a congregation meets for religious worship services.

(b) "Church property" shall be defined as any real property parcel whereupon the primary worship building or structure has been erected to conduct regularly scheduled religious worship services.

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

(7) "Event stadium" means a controlled spectator facility designed primarily for sporting, recreational, and/or entertainment use, whether indoor, open air, or amphitheater in design, and may contain space and facilities for exhibitions, retail sales, retail food dispensing, and restaurants.

(8) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.

(9) "High Alcohol Content Beer," herein after referred to as "HACB," means Beer having an alcoholic content of more than eight percent (8%) by weight and not more than twenty percent (20%) by weight and is brewed, regulated, distributed or sold pursuant to Chapter 3 of this title; provided, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

(10) "Inspection fee" means the monthly fee a licensee is required by this title to pay, the amount of which is determined by a percentage of the gross sales of a licensee at a liquor store.

(11) "Intoxicating Liquor" or "intoxicating drinks," as defined in this chapter, means and includes alcohol, spirits, liquors, wines and every liquid or solid, patented or not, containing alcohol, spirits, liquor or wine, and capable of being consumed by human beings; but nothing in this chapter shall be construed or defined as including or relating to the manufacture of beer as defined in § 57-5-101(b). (See TCA § 57-2-101)

(12) "Light Alcoholic Content Beverage," herein after referred to as "LACB," means any Alcoholic Beverage, not including Beer and Wine, whose alcohol content is not more than eight (8%) per cent by weight.

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

(14) "Licensee" means the holder or holders of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of



compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(15) "Liquor store" means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor retailer's license held by such licensee.

(16) "Local liquor store privilege license" means a license issued under the provisions of chapter 5 of this title for the purpose of authorizing the holder or holders thereof to engage in the business of selling intoxicating liquors, HACB and wine at retail in the city at a liquor store. Such local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license.

(17) "Manufacturer" means anyone who manufactures any alcoholic beverage and, without limiting the foregoing, includes a brewer, brewer of high alcohol content beer, distiller, vintner and rectifier.

(18) "Minor" means anyone under the age of eighteen (18) years; provided, however, this provision shall not be construed as prohibiting any person eighteen (18) years of age or older from selling, transporting, possessing, or dispensing Alcoholic Beverages, Wine, HACB, or Beer, in the course of his employment, as authorized by Tennessee Code Annotated § 57-4-203(b)(3).

(19) "Permittee" means the holder of a beer permit.

(20) "Person" means any natural person as well as any corporation, limited liability company, partnership, joint stock company, syndicate, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(21) "Retail sale" or "sale at retail" means the sale to a consumer or to any person for any purpose other than for resale.

(22) "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license or permit is required under the provisions of this chapter.

(23) (a) "School" means an institution where regular classes and specialized classes are conducted under the supervision of a teacher or instructor and taught to persons enrolled in grades pre-kindergarten through the 12th grade.

(b) "School property" means any parcel or parcels of real property, whether contiguous or not, where regularly scheduled educational activities including athletic events are conducted for students enrolled in grades pre-kindergarten through the 12th grade.

(24) "State liquor retailer's license" means a license issued by the ABC pursuant to Tennessee Code Annotated, § 57-3-201, et seq., permitting its holder to sell alcoholic beverages at retail in Tennessee.

(25) "Tavern" means a business establishment whose primary business is or is to be the sale of beer or high alcoholic content beer to be consumed on the premises.

(26) "Vehicle" means a machine that has the means of transporting or carrying an object across a distance including, but not limited to, automobiles, trucks, motorcycles, and four wheelers.

(27) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license or permit is required under the provision of this chapter.

(28) "Wine" means the product of the normal alcoholic fermentation of the juice

of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, and includes champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced or an artificial or imitation wine.

For the purposes of Chapter 6 of Title 8 only, the alcoholic content of “wine” shall not exceed 18% by volume, and “wine” shall not include alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additives.

(29) The following terms shall have the same definition as stated in Tennessee Code Annotated, § 57-4-102:

- (a) Club;
- (b) Convention center;
- (c) Hotel; and
- (d) Restaurant.

(30) “Retail food store” means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in § 67-6-228(a) and has retail floor space of at least one thousand two hundred square feet (1,200 sq. ft.).

(31) “Underaged” means anyone over the age of eighteen (18) but under the age of twenty-one (21) years; provided, however, this provision shall not be construed as prohibiting any person eighteen (18) years of age or older from selling, transporting, possessing, or dispensing Alcoholic Beverages, Wine, HACB, or Beer, in the course of his employment, as authorized by Tennessee Code Annotated § 57-4-203(b)(3).

(32) “TABC” means the Tennessee Alcoholic Beverage Commission.

**8-102. Sale or furnish to minors and/or underaged persons prohibited.** It shall be unlawful for any person to knowingly sell, furnish, give, or allow to be sold any Alcoholic Beverages to a minor and/or an underaged person at any time or to allow such persons to drink Alcoholic Beverage in the building or on the premises where such Alcoholic Beverages are being sold.

**8-103. Identification required prior to the sale of Alcoholic Beverages.** Any person selling Alcoholic Beverages within the corporate limits of the City of Alcoa shall be required to have produced to him or her a valid government issued photo identification showing that the age of the prospective purchaser of the Alcoholic Beverage is twenty-one (21) years of age or older. Persons fifty (50) years of age or greater shall not be required to show a photo identification but instead shall be allowed to purchase Alcoholic Beverages based on an otherwise facially valid government issued identification. In either case, the identification provided shall be a document issued by a state or federal governmental agency. If the identification required herein is not produced by the prospective purchaser, the Alcoholic Beverages shall not be sold. Notwithstanding the above, any Permittee or Licensee allowing on premises consumption of Alcoholic Beverages in the City shall be permitted to serve Alcoholic Beverages to a person for on premises consumption without

seeing such identification if, in the discretion of a manager on the premises, a person wishing to purchase such beverages is, beyond a reasonable doubt, twenty-one (21) years of age or older.

**8-104. Sale to intoxicated persons prohibited.** It shall be unlawful to sell alcoholic beverages or permit the same to be sold to any person in an intoxicated condition.

**8-105. Duties and prohibited activities of permittee and licensees.** It shall be unlawful for any person operating a place of business regulated by this title to allow any persons under the influence of intoxicants, including alcoholic beverages, upon the premises, and it shall be the affirmative duty of any such operator to notify the police department of any person upon the premises in an intoxicated condition.

**8-106. Employment of minors prohibited.** It shall be unlawful for the operator to use minors in the sale, transport, possession or dispensing of alcoholic beverages, wine or beer, except as provided in § 8-101 herein.

**8-107. Loitering of minors or underaged persons prohibited.** It shall be unlawful for any permit or license holder, business operator, or their employees and agents, to allow or permit any minor and/or underaged person to loaf or loiter in any place where Alcoholic Beverages are sold or offered for sale for consumption on the premises. Violation of this section is punishable in the City of Alcoa Municipal Court and may subject a permit holder to Beer Board penalties.

**8-108. Signs required.** (a) Any establishment within the corporate limits of the City which sells or gives away Alcoholic Beverages shall prominently display on the premises a sign: (1) not less than six (6) inches high and ten (10) inches wide reading: "A Minor or Underaged Person attempting to purchase Alcoholic Beverages will be prosecuted to the fullest extent of the law," and (2) such establishment shall further prominently display a sign not less than six (6) inches high and ten (10) inches wide reading: "State law, and Alcoa Municipal Code § 8103, requires the production of a valid governmental issued photo ID prior to the purchase of Alcoholic Beverages."

Signs required under this part shall be the responsibility of each Permittee or Licensee. Signs must be posted within ninety (90) days of the final passage of this section. It will be a violation of this section to fail to post such signs.

Any sign in place pursuant to section (a)(1) of this Ordinance prior to November 1, 2017, does not need to be replaced unless or until the sign falls into disrepair or is further or otherwise required to be replaced. Notwithstanding the foregoing signage, the prohibited sale to a minor or underaged person shall apply. All signs newly placed or replaced after November 1, 2017 shall contain the wording set forth in section (a).

A violation of this section is punishable in the City of Alcoa Municipal Court and may subject a permit holder to Beer Board penalties.

**8-109. Manufacturing, selling and distributing generally.** It shall be unlawful for any person to engage in the business of manufacturing, selling, or distributing any alcoholic

beverage within the corporate limits of the city except as provided by all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereinafter be changed including, without limitation, the local option liquor rules and regulations of the Tennessee Alcoholic Beverage Commission (hereinafter "ABC").

**8-110. Exceptions.** To the extent that buying or selling of beer, intoxicating liquors, HACB, LACB, or wine is prohibited, except as authorized pursuant to Tennessee Code Annotated as set forth in § 8-109 herein, said prohibitions shall not make it unlawful:

(1) To buy, sell, possess, transport or manufacture beer or HACB as permitted in Tennessee Code Annotated, §§ 57-5-101, et seq., or any other provisions and this chapter relating to such beverages are fully and strictly complied with.

(2) To possess or manufacture beer or wine as permitted in Tennessee Code Annotated, § 39-17-708, for personal consumption by members and guests of a household, provided all provisions and conditions of said sections relating to such beverages are fully and strictly complied with.

(3) For any priest or minister of any religious denomination or sect to receive and possess wines for sacramental purposes.

(4) For druggists to receive and possess alcohol and other intoxicating liquors and such preparation as may be sold by druggists for the special purposes and in the manner as now or hereafter provided by law.

(5) For the manufacturers of the following to receive and possess alcohol and other intoxicating liquor for use in the manufacturing process:

(a) Such medicines that conform to the provisions of the Pure Food and Drugs Act of the State of Tennessee;

(b) Flavoring extracts;

(c) Perfumery and toilet articles;

(d) Thermostatic devices or temperature regulators.

(6) For bona fide hospitals to receive and possess alcohol and other intoxicating liquor for the use of bona fide patients of such hospitals.

(7) For bona fide educational institutions to receive and possess alcohol and other intoxicating liquor for scientific and therapeutic purposes.

(8) For any common or other carrier to ship or transport alcohol and other intoxicating liquor for any of the purposes listed in subsections (2) through above.

## CHAPTER 2

### SALES OF BEER AND LIGHT ALCOHOLIC CONTENT BEVERAGES<sup>1</sup>

#### SECTION

- 8-201. Beer.
- 8-202. Beer lawful.
- 8-203. Beer board; Monitoring and Enforcement.
- 8-204. Beer permits.
- 8-205. Permit fees and privilege tax.
- 8-206. Permits and licenses must be displayed and are not transferable.
- 8-207. Permits shall be restrictive.
- 8-208. Revocation of permits.
- 8-209. Special event permits.
- 8-210. Hours of sale regulated.
- 8-211. Inspection of beer business.
- 8-212. Prima facie evidence of possession for sale.
- 8-213. Taverns.
- 8-214. Restaurants and clubs.
- 8-215. Hotels/motels.
- 8-216. Event stadiums.

**8-201. Beer.** For the purposes of this chapter, the term "beer" shall include LACB. The retail sale of beer and LACB shall be regulated by this chapter.

**8-202. Beer lawful.** In conformity with Tennessee Code Annotated, § 57-5-101, et seq., it shall be lawful to transport, store, sell, distribute, possess, receive, and/or manufacture Beer, subject to the privilege taxes and regulations hereinafter set out. No Manufacturer or wholesaler of Beer or their agent or agents shall be permitted to make any loan or furnish any fixtures of any kind or have any interest, direct or indirect, in the business of any retailer of such beverage, or in the premises occupied by such retailer; provided, however, such Manufacturer or wholesaler may operate as a retailer at the Manufacturer's location or a site contiguous thereto for sales of not more than twenty-five thousand (25,000) barrels of Beer annually for consumption on or off the premises under the provisions of this chapter as long as the requirements of this chapter concerning the licensing of such retail establishments are met; or a manufacturer may qualify for and hold a license under the provisions of this chapter as a "restaurant." Such a manufacturer, however, operating as a retailer pursuant to this chapter, may not sell its Beer directly to retailers that are located in a county other than the county in which the manufacturer is located.

**8-203. Beer Board; Monitoring and Enforcement.** (a) There is hereby created a Beer Board which shall be composed of the City manager, City recorder and one member appointed by the mayor who shall serve for a three (3)-year term, whose duty it shall be to regulate and supervise the issuance of permits to manufacture, distribute, and/or sell beverages regulated by this chapter to the persons and in the manner hereinafter provided.

The Board shall provide such other duties and have such other powers and authority as herein provided in this chapter.

(b) If the Beer Board determines that a sale to a minor or underage person occurred by an off-premises beer permit holder then the Beer Board shall report the clerk's name to the TABC as required by state law. In such case, the certification of the clerk making the sale 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. (Adopted from TCA 57-5-607).

**8-204. Beer Permits.** Before any person shall be authorized to sell, distribute, manufacture or store beverages regulated by this chapter, the person shall make application to the Beer Board upon a form prescribed by it for a permit and shall pay to the municipality such fees for licenses as are provided in § 8-205. In the case of a wholesaler, as defined in TCA § 57-6-102, a permit shall not be required unless the wholesaler operates a warehouse in the City of Alcoa. No permit shall be approved by the Beer Board and no license shall be issued by the recorder, except upon the following terms and conditions, and only to such persons as possess the qualifications hereinafter provided:

(1) No applicant shall be issued a permit unless the applicant has been a citizen or lawful resident of the United States for not less than one (1) year immediately preceding the date upon which the application is made to the Beer Board.

(2) No Beer shall be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals.

(3) No Beer shall be sold for consumption on premises within one hundred fifty feet (150') of any church or school as measured along a straight line from the nearest property line of any such church property or school property to the front door of the establishment selling Beer.

(4) No sale shall be made to Minors or Underaged persons.

(5) No person having at least a five percent (5%) ownership interest in the applicant has 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.

(6) No person employed by the applicant and involved with such distribution or sales has 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.

(7) No sale shall be made for on-premises consumption unless the application so states.

(8) No permit shall be issued unless the application shall contain the following information and agreements, to-wit:

(a) Name of the applicant.

(b) Name of applicant's business(es).

(c) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section.

(d) If Beer will be sold at two (2) or more restaurants or other businesses pursuant to the same permit as provided by Tennessee Code Annotated § 57-5103(a)(4), a description of all such businesses.

(e) Persons having at least five percent (5%) ownership interest in the applicant.

(f) Identity and address of a representative to receive annual tax notices and any other communication from the municipality.

(g) That no person having at least a five percent (5%) ownership interest in the applicant or any person to be employed in the distribution or sale of Beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of any Alcoholic Beverages or any crime involving moral turpitude within the past ten (10) years.

(h) Whether or not the applicant is seeking a permit which would allow the sale of Beer either for on-premises consumption or for off-premises consumption, or both of the foregoing. If a Permittee for either off-premises consumption or on-premises consumption desires to change the method of sale, the Permittee shall apply to the municipality for a new permit.

(i) A statement that if any false statement is made in any part of said application, the permit and/or license granted or issued to the applicant may be revoked by the Board.

(j) Said application may contain any other information required and deemed by the Beer board to be pertinent to the issuance of a permit and the enforcement of this chapter.

(9) All persons must comply with the fee provisions provided in § 8-205.

**8-205. Permit fees and privilege tax.** (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beverages regulated by this chapter without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred fifty and no/100ths dollars (\$250.00). Said fee shall be payable to the City of Alcoa. Each applicant must be a person of good moral character and certify that he has read and is familiar with the applications of this chapter.

(2) There is hereby imposed on the business of selling, distributing, storing, giving away, or manufacturing beverages regulated by this chapter an annual privilege tax of one hundred and no/100ths dollars (\$100.00). Any person engaged in the sale, distribution, storage, gifting, or manufacture of beverage regulated by this chapter shall remit the tax on January 1 of each year to the city. If the permittee does not pay the tax by January 31, then the city shall send notice of the delinquency by certified mail. Once the notice is received, the permittee has ten (10) days to remit the tax. If it is not remitted within that period, the permit automatically becomes void. At the time a new permit is issued to any business subject to this tax, the permittee 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.

**8-206. Permits and licenses must be displayed and are not transferable.** Each

permittee or licensee shall display and keep displayed such permit and license in conspicuous places on the premises where he is licensed to conduct such business. Permits and licenses shall not be transferable. A separate permit and license shall be obtained for each location where any applicant is to manufacture, distribute or sell said legalized beverages. When a permittee shall discontinue business or ceases to be associated on a day-to-day basis with the business, then the permit terminates, and no refund of any licenses or fees of any nature will be made. Sales of alcoholic beverages shall immediately cease unless or until someone else is issued a permit.

**8-207. Permits shall be restrictive.** (1) It shall be unlawful for any person, and no permit shall be issued, to sell or distribute beverages regulated by this chapter except in premises which are located within areas in which commercial activity is permitted.

(2) It shall be unlawful for any person, and no permit shall be issued, to sell or distribute beverages regulated by this chapter for consumption upon the premises at the following places or on the following conditions; provided, however, that the following prohibitions shall not apply to any person who has obtained a license for the sale of alcoholic beverages for consumption on the premises pursuant to Tennessee Code Annotated, §§ 57-4-101, et seq.:

(a) To any person occupying any vehicle; except, however, when sold in package form.

(b) At any place except the places where meals or lunches are regularly served and regularly licensed therefore and then only to persons seated at tables or bars, except for taverns which are governed by § 8-213 herein.

(c) Except in premises which are located within areas in which commercial activity is permitted, and no permit will be issued therefor except for premises located therein.

**8-208. Violations of Ordinance; Permit suspension or revocation; Civil Penalties.**

(a) In the event of the failure or refusal of any person holding a permit issued hereunder to comply with the requirements of this Chapter, or in the event of his/her violation of any of the provisions of this Chapter, it shall be the duty of the Beer Board to give said permittee at least twenty-four hours' notice of a hearing before the Board.

(b) The Beer Board has the authority to impose sanctions for violation of this Title, including civil penalties, and including suspension or revocation, as further set forth herein.

(c) After a finding by the Beer Board for violation of the Ordinance the Beer Board may impose a penalty, as follows:

(1) Assess the permit holder with a per-offense civil penalty a maximum of:

(A) One thousand five hundred dollars (\$1,500.00) for making or permitting to be made any sales to minors or underaged persons, or (B) One thousand dollars (\$1,000.00) for any other offense.

(B) Any civil penalty so assessed shall be paid within seven (7) calendar days at the city recorder's office. Any failure by the permit holder to promptly pay any civil penalty so assessed shall constitute a separate offense for which the permit holder may be subject to additional



action by the Beer Board to include suspension or revocation of any existing permit as well as the assessment of additional civil penalties as provided in this part. Each day of late payment shall constitute a separate offense.

(C) Any civil penalty imposed under this (1) is in addition to any permit suspension or revocation.

(2) May suspend the permit holder's permit for the following periods:

(A) For a first or second violation of the Ordinance within one (1) year, the Beer Board may suspend a permit, depending on the circumstances, including consideration of any aggravating factors.

(B) For the following minimum periods, unless state or federal law requires a different suspension or revocation period:

(i) For a third violation of the Ordinance within one (1) year of the first violation, a ten (10) day suspension;

(ii) For a fourth violation of the Ordinance within two (2) years of the first violation, a three (3) month suspension;

(iii) For a fifth violation of the Ordinance within two (2) years of the first violation, a six (6) month suspension.

(3) In lieu of a beer permit suspension, offer a permit holder the alternative of paying a per-offense civil penalty of a maximum of:

(A) Two thousand five hundred dollars (\$2,500.00) for making or permitting to be made any sales to minors or underaged persons, or

(B) One thousand dollars (\$1,000.00) for any other offense.

(C) The procedure for imposition of a civil penalty in lieu of a suspension of the permit shall be as follows:

i. The Beer Board shall make a ruling and set a penalty of suspension.

ii. The board may then offer the alternative of allowing the permit holder the opportunity to pay a per-offense civil penalty as defined above.

iii. The permit holder will then have seven (7) days to pay a per-offense penalty as defined above. If the civil penalty is paid within that time, the suspension shall be deemed withdrawn.

iv. Payment of the civil penalty constitutes admission of the violation.

v. If the civil penalty is not paid by the end of the regular business day on the seventh day, then the original recommended suspension shall be imposed and become effective on the eighth day.

(4) Revoke the beer permit, only when a permit holder has more than two (2) violations of this Ordinance within a twelve (12) month period.

It is a defense to the revocation of a permit, for sale of beer to a minor or underaged person, if the minor or underaged person purchasing the beer exhibited identification indicating the person's age to be twenty-one (21) or over, if the minor or underaged person reasonably appeared to presumably be of such age, and the minor or underaged person was unknown to the clerk making the sale. In

such case, the permit may be suspended for a period not to exceed ten (10) days, or a civil penalty up to one thousand five hundred (\$1,500) dollars may be imposed. (*See* TCA § 57-5-108(b)).

(5) Consider the following aggravating factors warranting the imposition of a more serious penalty:

- (A) Sales to minors;
- (B) Sales by different agents or employees of the permit holder;
- (C) Sales on different dates by agents or employees of the permit holder;
- (D) Sales by minors employed by the business;
- (E) Additional sales made after the Ordinance violation citation but prior to a court disposition or Beer Board hearing;
- (F) Failure to take appropriate disciplinary action against the employee or employees who made the sales;
- (G) Repeated violations of other City Ordinances against the Peace or Persons, laws related to nuisance, or state or federal laws.

(6) Responsible Vendors.

(A) A permit held by a Responsible Vendor, as that certification is determined by the TABC, may not be suspended or revoked by the Beer Board based on a clerk's illegal sale of beer to a minor or underaged person, for off-premises consumption, if: (1) the clerk is properly certified and has attended annual meetings since the original certification; or (2) is within sixty-one (61) days of the date of hire at the time of the violation. In such case, however, the Beer Board may impose a civil penalty not to exceed one thousand (\$1,000) dollars for each offense of making or permitting to be made any sales to minors or underaged person or for any other offense. (*See* TCA § 57-5-608(a)).

(B) If the TABC revokes a responsible vendor's certification for the illegal sale to a minor or underaged person, the vendor shall be penalized for the violation by the Board as if the vendor had not been certified. (*See* TCA § 57-5-608(b)).

(7) Revocation, suspension or imposition of civil penalty may also be made whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit is being maintained and operated in such manner as to be detrimental to public health, safety or morals. In considering the suspension or revocation of such permit, the Beer Board shall consider repeated violations of any local Ordinance or state law involving prohibited sexual contact on the premises of an adult oriented establishment.

(d) Violations of this Title 8 which result in municipal or state court judgments, or which are reported to the City by the TABC, without a finding by the Beer Board, will nonetheless be considered as prior violations for determining the applicability of suspension or revocation of a beer permit, or other appropriate penalty.

**8-209. Special event permits.** (1) The beer board is hereby authorized and empowered to permit the retail sale or free distribution of beer for on- premises

consumption of beer at any public or private property within the city pursuant to a special event permit at such times and as part of such events and under such terms and conditions, rules and regulations as the Alcoa Beer Board may establish which are not inconsistent with state laws regulating the sale of beer.

(2) Any person conducting a special event in the city in which beer is contemplated to be sold or given away other than within the premises of a permittee's establishment shall apply for a special event permit, at least forty- five (45) days in advance, in writing to the chairman of the beer board with a copy to the city recorder. The application required by this part shall include but not be limited to the following:

- (a) The applicant's name;
- (b) The date and time of event;
- (c) The address, and phone number of individual applicants, or the name, address, and phone number of a contact person for corporate applicants;
- (d) The specific location where beer is to be sold outside the premises of an establishment for which a beer permit previously has been issued;
- (e) The specific parameters of the event area;
- (f) The identity of any persons, establishments, or entities which are contemplated to participate in dispensing beer at locations other than their usual premises and the number of the current beer permit(s) for each applicant;
- (g) Any plans for proposed temporary closure of public rights-of-way;
- (h) Plans for security and policing the event;
- (i) The anticipated number of persons attending such event;
- (j) A certificate of insurance;
- (k) A signed statement allowing the beer board to run a background check on the police records of each individual applicant, if such applicants are not already in possession of a beer permit; and
- (l) Any other requirements deemed necessary by city staff.

(3) Upon receipt, the proposed application for a special event permit shall be placed on the beer board's agenda at its next regularly scheduled meeting following receipt of the notice. Applicants shall send a representative or representatives to such beer board meeting to address any questions or issues arising out of the proposed special event.

(4) If such application for a special event permit is granted, the applicant shall pay a special event permit fee of two hundred fifty dollars (\$250.00).

(5) The special event permit shall state on its face the name of the proposed vendor(s) of beer, the respective permit number(s), and the specific location(s) and date(s) where such vendor(s) is permitted to sell beer under the special event permit. A copy of the special event permit and a copy of the vendor's regular beer permit (if applicable) must be displayed at each location where beer is sold by such vendor.

**8-210. Hours of sale regulated.** It shall be unlawful for any person to sell the beverages regulated by this chapter, nor shall it allow the same to be sold by agents, servants or employees, between the hours of 3:00 A.M. and 6:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

**8-211. Inspection of beer business.** The police officers of the City of Alcoa shall

have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, transported, or otherwise dispensed or distributed or handled, whether at retail or wholesale, in the city for any law violations.

**8-212. Prima facie evidence of possession for sale.** It shall be unlawful for any person to sell, offer to sell, or distribute any beverages regulated by this chapter without having obtained the permit and license provided for by this chapter, and possession of five (5) gallons or more of such beverages shall be prima facie evidence that such beverage was being stored or possessed for sale.

**8-213. Taverns.** It shall be lawful for beverages regulated by this chapter to be sold for consumption on-premises at a tavern where meals or lunches are not regularly served. There shall be a limit of one (1) tavern permit allowed for every one thousand (1,000) population or fraction thereof, according to the latest official census of the City of Alcoa.

**8-214. Restaurants and clubs.** It shall be lawful to sell, store, possess, and/or distribute beverages regulated by this chapter for consumption on- premises at a restaurant or club, provided that, the establishment obtains an appropriate permit and complies with the regulations set out in this chapter and in state law. In accordance with Tennessee Code Annotated, § 57-5-103(3)(B), a permit will allow restaurants and clubs to distribute beer in an outdoor serving area including, but not limited to, any deck, patio, courtyard, or exterior area provided that said area:

- (1) Must be contiguous to the building;
- (2) Must be owned and operated by the business; and
- (3) Must be fenced in by a barrier of at least forty inches (40") high. The barrier

need not be permanent, but must be constructed of a sturdy material and may only allow for gaps at designated entrances and exits. The boundaries of this outdoor serving area must remain ten feet (10') back from the property line, except that establishments within the "mixed-use district E-3" area may have outdoor serving areas up to the property line. Neither the outdoor serving area, nor the constructed barrier shall restrict or obstruct the visibility of traffic traveling on any adjacent roadway. If the outdoor serving area utilizes any part of a public space, such as a parking lot, the area designated for serving beer will no longer act in its capacity as a public space. No vehicles will be allowed in the portion of the parking lot where beer is being served as long as it is designated as a serving area, except for display or exhibit vehicles.

**8-215. Hotels/motels.** It shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on premises at a hotel/motel, provided that the establishment obtains a beer permit and acts in accordance with all of the regulations laid out herein and in state law. Said beverages may be distributed in multiple areas within the hotel/motel including, but not limited to, guests' rooms, suites and banquet rooms. Such hotel/motel shall in all respects comply with the applicable provisions of Tennessee Code Annotated, § 57-5-107.

**8-216. Event stadiums.** It shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on-premises at an event stadium or convention center, provided that a beer permit is obtained and the organization acts in accordance with all of the regulations laid out herein and in state law. In the case of a reoccurring event, such as a sporting event, the organization may obtain an on-premises license. In the case of an infrequent event, such as a concert, the organization may obtain a special event permit. Pursuant to Tennessee Code Annotated, § 57-4-203(i)(2), a bona fide convention group may distribute beer or other alcoholic beverages at no cost to the group's delegates without a permit. No convention center or event stadium shall sell or distribute beer without a beer permit or a special event permit.

**8-217. Beer Board Procedures and Hearings.** (a) Proceedings by the Beer Board may be initiated in the following manner:

(1) Complaint from law enforcement, the TABC, court system, or alcohol related community outreach program(s), of non-compliance by a permit holder, or employee or agent of such, which constitutes a violation of Title 8 of this Code, based on either:

(A) A reasonable belief that a noncompliance offense has occurred and a reasonable belief that the named defendant is the permit holder; or

(B) The conviction in any municipal, state or federal court of a beer or alcoholic beverage offense occurring on the premises where a city permit has been issued or upon the conviction in any court for a beer or alcoholic beverage or a felony by any person who holds a city beer permit.

(2) Complaints hereunder shall be filed with the City Recorder who shall serve as the clerk of the Beer Board. The City Recorder shall then notify the offending permit holder by sending a copy of the complaint or notification and scheduling a hearing before the Beer Board no less than thirty (30) days nor more than sixty (60) days from receipt of the complaint or notification.

(3) Copies of the complaints or notification of noncompliance along with the notice of hearing containing the date, time and place for hearing and the alleged offending permit holder's right to counsel, shall be served on the alleged offending permit holder either by hand delivery by a city police officer to the manager on duty at the business address on the permit, or by service via certified mail, return receipt requested, to the permit holder at the address set forth in said permit holder's most recent application for a beer permit.

(b) A permit holder's failure to appear at the Beer Board hearing shall be deemed a default authorizing the Beer Board to make a finding of noncompliance and issuing such orders and imposing such sanctions as are appropriate for the alleged offense. However, at the time a default is entered, the Beer Board shall make a finding of fact pertaining to the offense, thereby constituting the record of the proceeding.

(c) Hearings of the Beer Board shall be conducted by the City Manager or his designee. Nonetheless, the City Manager shall remain as a member of the Beer Board at all times regardless of the decision to designate a person to conduct the hearings.

(d) The standard of proof for the Beer Board to make a finding of a violation is by a preponderance of the evidence, or that all the evidence examined leads to the conclusion

that it is more likely than not that the permit holder is guilty of noncompliance.

(e) The decision of the Beer Board will be made at the conclusion of the hearing or within forty-eight (48) hours of the hearing. A written report setting forth the facts relied upon in reaching the decision, the findings and the orders of the Beer Board shall be issued within fifteen (15) days of the hearing date. The report shall be maintained by the City Recorder and a copy thereof sent to the permit holder and counsel therefore. The date of filing of the report with the City Recorder shall constitute the final action of the Beer Board.

(f) In the event the Beer Board and permit holder reach an agreement as to the finding and outcome of the alleged noncompliance, a consent order may be issued and signed by the City Manager and permit holder, or counsel therefore, in lieu of a report by the Beer Board.

(g) The City Recorder has the authority to issue subpoenas for witness testimony. Subpoenas must be timely requested and may not serve as a reason for continuance of a hearing. Subpoenas may be served by a city police officer or other person authorized under state law to serve subpoenas.

(h) All tape recordings and evidence used at a Beer Board hearing shall be maintained by the City Recorder until all appeal periods have passed and a final decision rendered.

**8-218. Court Action Following Beer Board Orders.** (a) The exclusive method of review of the Beer Board orders are to the Blount County Circuit or Chancery Courts for review by statutory writ of certiorari, with a trial de novo as a substitute for appeal. Upon a grant of certiorari, the Beer Board shall be responsible for making, certifying and forwarding to the court a complete transcript of the proceeding in the cause.

(b) Appeals of court decrees pursuant to (a), after posting of a bond as required in other cases, shall be heard on transcript of the record.

## CHAPTER 3

### **MANUFACTURERS OF BEER AND HIGH ALCOHOL CONTENT BEER**

#### **SECTION**

8-301. Manufacture of HACB.

8-302. Manufacturers of HACB may also brew beer.

8-303. Manufacturers of HACB may hold restaurant or limited service restaurant license.

8-304. Manufacturer of HACB may sell HACB and beer at retail.

**8-301. Manufacture of HACB.** It shall be unlawful for any person to manufacture HACB within the municipality except as authorized by the provisions of Tennessee Code Annotated, § 57-2-103(f), and until such licenses have been obtained and privilege taxes paid as set out in Tennessee Code Annotated, § 57-2-102.

**8-302. Manufacturers of HACB may also brew beer.** Notwithstanding any other provision of this code to the contrary, it shall be lawful for a manufacturer of HACB authorized to manufacture such beverages within the municipality pursuant to § 8-301, above, to also brew beer, as this term is defined in § 8-101 herein, on the same premises of the manufacturer of HACB, upon such manufacturer's meeting necessary federal, state and local license requirements.

**8-303. Manufacturers of HACB may hold restaurant or limited service restaurant license.** (1) Notwithstanding any provision of this code to the contrary, a manufacturer of HACB is authorized to also obtain a license as a restaurant or a limited service restaurant located on the premises of the manufacturer, as provided in Tennessee Code Annotated, § 57-4-201. The premises of any restaurant or limited service restaurant licensed under Tennessee Code Annotated, § 7-4-201 shall mean any or all of the property on which the restaurant is located, including exterior areas. A licensee shall designate the premises to be licensed by the alcoholic beverage commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing.

(2) Notwithstanding any provision of this code to the contrary, any manufacturer to whom a restaurant or limited service restaurant license is issued pursuant to subsection (1) above, shall also be authorized to sell beer as this term is defined in § 8-101 at such restaurant or limited service restaurant upon meeting necessary federal, state and local license requirements.

**8-304. Manufacturer of HACB may sell HACB and beer at retail.** If a manufacturer of HACB also holds a retail license as authorized by Tennessee Code Annotated, § 57-3-204(f), then:

(1) Notwithstanding any other provision of law or this code, the manufacturer of HACB may sell its products, for consumption on or off- premises, which are manufactured on the manufacturer's premises within the municipality in

accordance with subsections (2) and (3) in sizes and containers that are made available through the general wholesale/retail distribution system; provided that, the provisions of Tennessee Code Annotated,

§ 57-3-204(g) related to the delivery of alcoholic beverages by wholesalers shall be applicable, and that the manufacturer complies with all other applicable Tennessee statutes.

(2) (a) Such manufacturer of HACB may also offer and sell beer, as beer is defined in § 8-101, for consumption on or off-premises, at the same physical location within the municipality at which it offers samples of and sells its HACB; provided such beer and HACB are brewed on the manufacturer's premises located at the retail location, and further provided that such manufacture may distribute such beer as defined in

§ 57-5-101(b) only to wholesalers licensed pursuant to Tennessee Code Annotated, title 57, chapter 5, inclusive. A wholesaler of such products may permit a manufacturer to deliver its products to the retail premises operated by such manufacturer directly; provided, that the wholesaler permitting such direct shipment must include the amounts delivered in its inventory and depletions for purposes of tax collections.

(b) Notwithstanding any other provision of this code to the contrary, the hours and days on which such beer or HACB may be sold at retail by a manufacturer authorized to manufacture such beverages pursuant to Tennessee Code Annotated, § 57-2-103(f) and title 8, chapter 4 of this code shall be commensurate with the hours for the sale of beer as set out in § 8-210 of this code.

(3) Such manufacturer of HACB may sell no more than those quantities as set out in Tennessee Code Annotated, § 57-3-204(f)(7)(C).

(4) There is hereby levied on any manufacturer of HACB obtaining a retail license to sell its products which are manufactured on the manufacturer's premises an inspection fee of fifteen percent (15%) to inspect the retail store in which such products are sold by the manufacturer. Such inspection fee is imposed on the wholesale price of the HACB supplied pursuant to Tennessee Code Annotated, § 57-3-204(f)(7)(B) by a wholesaler for those products manufactured and sold by the manufacturer at its retail store as authorized pursuant to Tennessee Code Annotated, § 57-3-204(f)(7). The manner and method of collection, reporting, enforcement and use of the inspection fee imposed by this section shall be as that provided for retail liquor stores as set forth in chapter 5 of this title 8.

(5) The retail license issued to a manufacturer of HACB, as authorized by Tennessee Code Annotated, § 57-3-204(f) shall not be considered as coming within the provisions of chapter 5 of this title 8 with regard to the limit on the number of liquor stores in the municipality or local liquor store licenses issued in the municipality.

(6) Such manufacturer of HACB shall in all respects comply with the applicable provision of title 8 of this code.



## CHAPTER 4

### WINE, HIGH ALCOHOL CONTENT BEER, AND INTOXICATING LIQUOR--SALE FOR CONSUMPTION ON-PREMISES

#### SECTION

8-401. Sales of wine, HACB, or intoxicating liquor for consumption on-premises. 8-402. Hotels/motels.

8-403. Privilege tax on retail sale of intoxicating liquors, HACB, or wine for consumption on-premises.

8-404. Annual privilege tax to be paid to the city recorder.

**8-401. Sales of wine, HACB, or intoxicating liquor for consumption on-premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of intoxicating liquors, HACB, or wine for on-premises consumption which are regulated by the said code when such sales are conducted within the city. It is the intent of the board of commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in the city, the same as if said code sections were copied herein verbatim.

**8-402. Hotels/motels.** Notwithstanding any other provision in this title, it shall be lawful to sell, store, possess, and/or distribute any beverages regulated by this chapter for consumption on-premises at a hotel/motel, provided that the establishment acts in accordance with state law.

Said beverages may be distributed in multiple areas within the hotel/motel including, but not limited to, guests' rooms, suites and banquet rooms.

**8-403. Privilege tax on retail sale of intoxicating liquors, HACB, or wine for consumption on-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, § 57-4-301, for the City of Alcoa General Fund to be paid annually as provided in this chapter) upon any person engaging in the business of selling at retail in the city intoxicating liquors, HACB, or wine for consumption on the premises where sold. In the event, however, that pursuant to state law it is not permissible at the time this chapter is enacted to levy and collect the privilege tax because the county has already levied such a tax, then and in such event the authority is granted for the city to levy and collect such privilege tax when it becomes legally permissible for the city to do so, with collection of that tax to commence at the time that it becomes legally permissible for the city to collect said tax.

**8-404. Annual privilege tax to be paid to the city recorder.** Any person exercising the privilege of selling intoxicating liquor, HACB, or wine for consumption on the premises in the city shall remit annually to the city recorder the appropriate tax described in § 8-403 herein. Such payments shall be remitted on or before January 1 of each year. Any person failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.

**CHAPTER 5**  
**LIQUOR STORES**

**SECTION**

- 8-501. Liquor stores.
- 8-502. Licenses required for sale of intoxicating liquor at retail.
- 8-503. Licensee responsible for officers and agents.
- 8-504. Location of liquor store.
- 8-505. Limitations on building containing liquor store.
- 8-506. Restrictions generally.
- 8-507. Fees.
- 8-508. Records kept by licensee.
- 8-509. Inspections generally.
- 8-510. Enforcement.
- 8-511. Certificate of compliance.
- 8-512. Application.
- 8-513. Consideration.
- 8-514. Restrictions upon issuance.
- 8-515. License from city to operate liquor store.
- 8-516. Restrictions on local liquor retailer's licenses.
- 8-517. Restrictions upon licensees and employees.
- 8-518. Nature of license-suspension or revocation.

**8-501. Liquor Stores.** “Liquor Store” means and includes a business that sells Intoxicating Liquors, Wine, Beer, and/or High Alcohol Content Beer, at Retail Sale. No Liquor Store shall sell, offer for sale, or distribute any other Alcoholic Beverage than those listed in this section. *(Adopted from TCA 57-3-404(e)(2)).*

**8-502. Licenses required for sale of Intoxicating Liquors at Retail.** It shall be lawful for a Licensee to sell alcoholic beverages at retail in a Liquor Store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this Chapter, and Chapter 2 when applicable, and provided that such Licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued Liquor Store privilege license and Beer permit from the City permitting him or her to sell at retail. One local Liquor Store privilege license is necessary for each Liquor Store to be operated in the City. Except to the extent permitted by state law, transfer of ownership or possession of any Intoxicating Liquor by a Licensee in any manner other than by retail sale is prohibited.

**8-503. Licensee responsible for officers and agents.** Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee

**8-504. Location of Liquor Store.** It shall be unlawful for any licensee to operate or maintain a Liquor Store in the City unless the Liquor Store is located within a zone in which the permitted activities include retail sales. Such Liquor Store shall not be located within one

hundred fifty feet (150') of any church or school as measured along a straight line from the nearest property line of any such *church property or school property* to the front door of the Liquor Store. No Liquor Store shall be located where the operation of a Liquor Store at the premises contemplated by an application would unreasonably interfere with public health, safety or morals.

**8-505. Limitations on building containing liquor store.** All liquor stores shall be a permanent type of construction in a material and design approved by board of commissioners. No liquor stores shall be located in a manufactured structure built on a chassis and designed to be used as a dwelling with or without permanent foundation or in any other moveable or prefabricated type of building. All liquor stores shall have night lighting surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand eight hundred (1,800) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations, as adopted within the Alcoa Municipal Code, unless specifically stated otherwise herein.

**8-506. Restrictions generally.** (1) Entertainment devices and seating forbidden. No form of entertainment, including pinball machines, music machines or similar devices shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or distribute any alcoholic beverage before 10:00 A.M. or after 11:00 P.M. on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or distribute any alcoholic beverage before 8:00 A.M. or after 11:00 P.M. No liquor store shall be open for business on Christmas, Thanksgiving, or Easter

(3) Selling or furnishing to minors, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a minor below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a minor below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on-premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store, except for complimentary tasting samples of those products available for sale for sales, education and promotional purposes pursuant to Tennessee statute.

(5) Advertising. (a) Advertising signage must be in conformance with all applicable requirements of state law and the administrative regulations of the

Tennessee Alcoholic Beverage Commission. The size, height and placement of signs for liquor stores shall be governed by the sign regulations set forth in title 14 of the Alcoa Municipal Code (Zoning and Land Use Control), chapter 4, Sign Ordinance.

(b) Interior signs. No banner or temporary or permanent signage shall be placed inside a liquor store so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store.

(6) Off-premises business. All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted, nor shall there be permitted drive-in windows. No licensee shall employ any canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This subsection shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises.

**8-507. Fees.** (1) Amounts generally. There is hereby levied on each licensee an inspection fee of up to eight percent (8%), with the exact amount of such percentage to be determined from time to time by board of commissioners, on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event co-licensees holding a liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sales is made to the licensee. Payment of the inspection fee by the collecting wholesaler or other source shall be made to the city recorder on or before the twentieth (20th) day of each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee for his or her liquor store is made to the city recorder on or before the twentieth (20th) day of each calendar month for the preceding month. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in 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.

(3) Reports. The city recorder shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(4) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, be cause for suspension of the offending licensee's local liquor store privilege license for as much as thirty (30) days and, at the sole discretion of

the board of commissioners, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his or her license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(5) Use of fees. All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this title including particularly the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this title are observed. The board of commissioners finds and declares that the amount of these inspection fees is reasonable, and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes.

**8-508. Records kept by licensee.** In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

- (1) The original invoices of all alcoholic beverages bought by the licensee;
- (2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
- (3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and
- (4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city recorder gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part.

**8-510. Enforcement.** Any violation of the terms of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500.00) per violation, temporary suspension, permanent revocation of the local liquor store privilege license, or any combination thereof at the discretion of the board of commissioners. Enforcement provisions are also applicable as found under state law.

**8-511. Certificate of compliance.** As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, board of commissioners may authorize the issuance of certificates of compliance by the city according to the terms contained herein.

**8-512. Application.** (1) Filing--content. An applicant or applicant group for a liquor store shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the board of commissioners or city manager may require:

(a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder, or otherwise. In the event that a corporation, partnership, limited liability company, or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;

(b) The name of the liquor store proposed;

(c) The address of the liquor store proposed and its zoning designation;

(d) The statement that an individual applicant has been a resident of Tennessee for at least two (2) years immediately prior to the time the application is filed, or in the case of an applicant group, that at least one (1) of the members of the applicant group has been a resident of Tennessee for at least two (2) years prior to the time the application is filed.

(e) A statement that the persons receiving the requested license to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city;

(f) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the rules and regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this title with reference to the sale of alcoholic beverages.

(2) Further documentation. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one inch (1") equals twenty feet (20') giving the following information:

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

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

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

(d) The identification of every parcel of land within one hundred fifty feet (150') of the lot upon which the liquor store is to be operated indicating ownership thereof and the location of any structures thereon and the use being made

of every such parcel.

(3) Signature. The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation, concealment of fact, duty to amend. If an applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by board of commissioners. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the board of commissioners.

(5) Fees. Each application shall be accompanied by a non-refundable three hundred dollar (\$300.00) investigation fee. One (1) application fee per applicant group is sufficient.

(6) Purchase of an existing store. Any Person desiring to purchase an existing liquor store within the boundaries of the City of Alcoa must apply for a new license pursuant to this Section. Such application shall comply with every requirement of this section 8-512, except that such applicant shall not be required to provide the documentation required under 8-512(2) concerning the building where the store is located, specifically, the scale plan.

**8-513. Consideration**. In issuing the initial certificate of compliance sufficient for the licensing of up to three (3) liquor stores in the city permitted by this chapter, the board of commissioners will consider all applications filed before a closing date to be fixed by it and select from such applications the persons deemed by it in its sole discretion to have qualifications required by law and the most suitable circumstances for the lawful operation of a liquor store without regard to the order of time in which the applications are filed. Such persons and only such persons shall receive the initial certificates of compliance issued by the city. If thereafter, an additional license becomes available due to the cancellation, revocation or otherwise of a previously issued license, board of commissioners will select from all pending applications the applicant or applicant group deemed by it to have the qualifications required by law and the most suitable circumstances for the lawful operation of a liquor store after a closing date to be fixed by it upon public notice of the availability of such license. Such person or persons and only such person or persons will receive certificates of compliance issued by the city sufficient to allow the operation of the liquor store contemplated by the chosen application. Applications shall be retained by the city until such time as all liquor stores for which certificates of compliance have been issued by the city are opened for business. At that time, all pending applications which did not result in the granting of certificates of compliance after consideration by board of commissioners will expire and be disposed of by the city. Applications can only be submitted to the city during the time frame the board of commissioners has set forth for receipt of such applications. Applications and all matters submitted with or as a part of such applications become at the time they are submitted the sole and exclusive property of the city and constitute public records open to public inspection.

**8-514. Restrictions upon issuance.** (1) Additional certificates of compliance. The board of commissioners shall refuse to issue a certificate of compliance whenever the number of previously issued and outstanding certificates of compliance when added to the number of outstanding licenses equals the number of licenses authorized by this chapter.

(2) No violation of chapter. No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(3) Prerequisites of issuance. The city manager upon approval of board of commissioners shall not sign any certificate of compliance for any applicant or applicant group until:

(a) Such application has been filed with the city recorder;

(b) The location stated in the certificate has been approved by the board of commissioners as a suitable location for the operation of a liquor store; and

(c) The application has been considered at a public meeting of the board of commissioners and approved by a vote of at least three (3) members thereof.

(4) Time period for action. Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by board of commissioners, within six (6) months open a liquor store in the city or said certificate will be revoked by the passage of this amount of time and a certification thereof will be sent to the alcoholic beverage commission of the State of Tennessee and the local liquor license issued pursuant to such application shall be considered canceled and revoked.

**8-515. License from city to operate liquor store.** After an applicant or applicant group receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, §§ 57-3-101, et seq., he or she shall apply to the city recorder for a local liquor retailer's license to operate a retail liquor store pursuant to the following terms, conditions and restrictions.

**8-516. Restrictions on local liquor retailer's licenses.** (1) Maximum number of licenses. No more than three (3) local liquor retailer's licenses for the sale of alcoholic beverages at liquor stores shall be issued under this chapter representing no more than three (3) liquor stores in the city.

(2) Term renewal. Each license shall expire on December 31st of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state rules and regulations and the provisions of this chapter.

(3) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee.

(4) Transfer. A licensee or co-licensee shall not sell, assign or transfer his or her license or any interest therein to any other person. No license shall be transferred from one (1) location to another location without the express permission of board of commissioners.

(5) Fees. A license fee of five hundred dollars (\$500.00) is due at the time of application for a license and annually prior to January 1 each year thereafter. The initial



license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city recorder before any license shall issue. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one (1) license fee is required.

**8-517. Restrictions upon licensees and employees.** (1) Initial qualifications. To be eligible to apply for or to receive a local liquor store privilege license, an applicant or in the case of an applicant group, each member of the applicant group, must satisfy all of the requirements of the state statutes and of the state rules and regulations for the holder of a state liquor retailer's license.

(2) Public officers and employees. No license shall be issued a person who is a holder of a public office either appointed or elected or who is a public employee either national, state, city or county. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply however to uncompensated, appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(3) Felons. No licensee shall be a person who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity which he or she is connected shall receive a license; provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(4) Employee felons. No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who within ten (10) years prior to the date of his or her employment shall have been convicted of a felony. In the case that an employee is convicted of a felony while he is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(5) Liquor offenses. No license shall be issued to any person who within ten (10) years preceding application for such license or permit shall have been convicted of any offense under the laws of this state or any state or of the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of alcoholic beverages who has during such period been engaged in business, alone or with others, in violation of any such laws or rules and regulations.

(6) Disclosure of interest. It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it be fully disclosed to the city manager and approved by him or her in a timely manner.

(7) Age. No licensee shall be a person under the age of twenty-one (21) years and

it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his or her place of business to engage in the storage, sale or distribution of alcoholic beverages.

(8) Interest in only one liquor store. A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this title in the City of Alcoa

**8-518. Nature of license-suspension or revocation.** The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by board of commissioners for any violation of this title by the licensee or by any person for whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the board of commissioners suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this title by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city manager may immediately suspend the license for a period not to exceed sixty (60) days, and the board of commissioners may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations.

## CHAPTER 6

### WINE SALES IN RETAIL FOOD STORES

#### SECTION

- 8-601. Certificate of Compliance.
- 8-602. Issuance of certificate of compliance; appeal.
- 8-603. Regulation of sales.

**8-601. Certificate of Compliance.** As a condition precedent to the issuance of a state retail food store wine license by the state alcoholic beverage commission, the mayor or a majority of the city commission may authorize the issuance of certificates of compliance by the city according to the terms contained herein. Any person or entity applying for a retail food store wine license shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the city council or city administrator may require:

(1) The name and address of the retail food store for which the retail food store wine license is being obtained, and a statement that the location of the retail food store complies with all zoning laws of the city and location requirements of the applicable statutes for selling wine in retail food stores; and

(2) A statement that the applicant or applicants have complied and will comply with this chapter and the applicable state laws and regulations on retail food store wine sales; and

(3) The following information concerning applicant background:

(a) If the applicant is an individual or partnership, the name and street address of each individual person who will be in charge of or in control of the business and a signed statement from each such person that he or she has not been convicted of a felony within a ten-year period immediately preceding the date of the application with the state alcoholic beverage commission; or

(b) If the applicant is a corporation, the corporation may provide either:

(i) the name and street address of the executive officers of the corporation and a signed statement from each such officer that he or she has not been convicted of a felony within a ten-year period immediately preceding the date of the application, or

(ii) the name and street address of each individual person who will be in charge of or in control of the business and a signed statement from each such person that he or she has not been convicted of a felony within a ten-year period immediately preceding the date of the application.

**8-602. Certificate of Compliance Fee.** The costs incurred by the city in connection with the process of issuing a certificate of compliance shall be charged directly to the applicant.

**8-603. Issuance of certificate of compliance; appeal.** A failure on the part of the issuing authority to grant or deny the applicant's request for the certificate of compliance

within 60 days of the written application shall be deemed a granting of the certificate.

**8-604. Regulation of sales.**

(1) Hours of sales on weekdays and Saturdays. Retail food store wine licensees shall not sell, give away, or otherwise dispense wine, except between the hours of 8:00 a.m. and 11:00 p.m. on weekdays and Saturdays.

(2) Sales on Sundays and holidays. No retail food store wine licensee shall sell or give away any wine before 10:00 a.m. or after 11:00 p.m. on Sunday. No retail food store wine licensee shall sell or give away wine on the following holidays: Christmas, Thanksgiving, and Easter.

(4) Sale to minors and/or underaged persons. No retail food store wine licensee shall sell or give away wine to a person under 21 years of age, and it shall be unlawful for any such minor and/or underaged person to purchase wine. Also, it shall be unlawful for any person to present false evidence that he has attained the age of 21 years.

(4) Keeping an unsealed bottle or container. No retail food store wine licensee shall keep, or permit to be kept upon his premises, wine in any unsealed containers or bottles.

(5) Sales to persons intoxicated. No retail food store wine licensee shall sell or give away wine to any person who is intoxicated, nor shall any retail food store wine licensee sell or give away wine to any person accompanied by a person who is intoxicated.

(6) Wine tastings. No retail food store wine licensee shall conduct tastings of wine on the premises of the retail food store.

(7) Consumption on premises. No wine shall be sold for consumption, or consumed, on the premises of the retail food store.