

## TITLE 8

ALCOHOLIC BEVERAGES<sup>1</sup>

## CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. LIQUOR BY THE DRINK.

## CHAPTER 1

INTOXICATING LIQUORS

## SECTION

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

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<sup>1</sup>Municipal code references

Prohibiting driving under the influence: title 15.

Prohibiting minors in beer places, public drunkenness, and drinking beer in public: title 11.

State law reference

Tennessee Code Annotated, title 57.

(1) "Alcoholic beverage" or "beverages" or "intoxicating liquor" mean and include alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, and wine and capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two (2) have an alcoholic content of five percent (5%) by weight or less.

(2) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.

(3) "Person" means any natural person as well as any corporation, partnership, firm, or association.

(4) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

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

(6) "Town" means the Town of White Bluff, Tennessee.

(7) "Town Council" refers to the Town Council of the Town of White Bluff.

(8) Words importing the masculine gender shall include the feminine and the neuter, and a singular shall include the plural. (1983 Code, § 2-101, as replaced by Ord. #291, Feb. 2009)

**8-102. Scope of chapter.** It shall be unlawful to store, transport, sell, give away, distribute, possess, or receive alcoholic beverages in the town unless provisions of this chapter and the laws of the State of Tennessee and the state rules and regulations of the Alcoholic Beverage Commission have been complied with.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession, or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no portion of this code related thereto is modified by this chapter. (as added by Ord. #291, Feb. 2009)

**8-103. State law controlling.** No person, firm, corporation, association, or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #291, Feb. 2009)

**8-104. Restrictions.** (1) Public office. No person or member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointive or elective, 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 retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(2) Domicile. No person or member of a firm, corporation, partnership, or association shall own or operate a retail store for the sale of alcoholic

beverages as herein defined if he or she is not a resident of Dickson County, Tennessee; and in the case of a corporation, firm, association or partnership, this domicile requirement shall apply to all owners or principle officers.

(3) Citizenship. No person shall own or be employed in the storage, sale, or distribution of alcoholic beverages except a citizen of the United States.

(4) Age limit. No retailer or any employee thereof engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under said age on his place of business to engage in the sale of alcoholic beverages. Further, it shall be unlawful for any minor to misrepresent his age in purchasing or attempting to purchase alcoholic beverages.

(5) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverages any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude or of any law regulating intoxicating liquors, and in the case an employee should be so convicted, he shall immediately be discharged.

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

(7) Restrictions cumulative. The provisions of this section shall be in addition to any other restrictions or conditions which may be contained elsewhere in the provisions of this chapter. (as added by Ord. #291, Feb. 2009)

**8-105. Privilege license required**. The privilege license shall be levied on the business in accordance with the provisions of the "Business Tax Act" as enacted by the 87th General Assembly of Tennessee by Chapter 387 of the Public Acts of 1971, as amended. (as added by Ord. #291, Feb. 2009)

**8-106. Regulation of retail liquor stores**. (1) No retailer shall, directly or indirectly, operate more than one (1) licensed retail business in this state. "Indirectly" means any kind of interest in such a retail business by way of stock ownership, loan, partner's interest or otherwise. A landlord shall be deemed to have an indirect interest in such a retail business when the lease agreement is based upon a percentage of profits or any other factor based upon sales of alcoholic beverages by the tenant as distinguished from being simply an interest in land for a period of time at a definite rate.

(2) No retailer shall offer or make any discount in the sale or delivery of liquors in case quantities. No reduction in the standard price per case shall be made for sales in excess of one (1) case.

(3) No retailer shall sell any alcoholic beverages to any person who is legally intoxicated, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is legally intoxicated.

(4) No retailer shall sell any alcoholic beverages to a minor.

(5) No retail package store shall sell or give away any alcoholic beverages between eleven o'clock P.M. (11:00 P.M.) on Saturday and eight o'clock (8:00 A.M.) on Monday of each week. No retail store shall sell, give away or otherwise dispense alcoholic beverages except between the hours of eight o'clock A.M. (8:00 A.M.) and eleven o'clock P.M. (11:00 P.M.) on Monday through Saturday. The store may not be open to the general public except during regular business hours.

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

(7) No retailer as herein defined shall own, store or possess upon the licensed premises any merchandise unless the retailer shall also possess such documentation to demonstrate that the taxes imposed in this chapter have been paid.

(8) No retailer shall sell or give away any alcoholic beverages on the following holidays: Christmas, Thanksgiving, Labor Day, New Year's Day and the Fourth of July. (as added by Ord. #291, Feb. 2009)

**8-107. Sales locations to conform to zoning laws.** It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the Town of White Bluff unless the location of the liquor store shall only be in a C-2 zone, as appears on the date of application on the official zoning map of the Town of White Bluff. Provided, further, that no certificate of good moral character shall be issued by the mayor and/or town council in any case until the location of said proposed liquor store has been approved by the town council. As a further limitation on the location of retail liquor stores for the sale of alcoholic beverages, no location for same shall be approved when in the opinion of the town council, expressed by a majority vote thereof; the operation of such liquor store at the location would be harmful to the public interest. (as added by Ord. #291, Feb. 2009)

**8-108. Control of locations.** No retail liquor store shall be located except on the ground floor, and the store shall have one main entrance opening on a public street and no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two (2) streets, such retail store may maintain a door opening on each of the public streets. All liquor stores shall be of a permanent type construction and no store shall be located in a mobile home or other movable type building. All buildings shall be in compliance with the state regulations for the operation of retail liquor stores. (as added by Ord. #291, Feb. 2009)

**8-109. Inspection fees.** (1) Amount. There is hereby levied an inspection fee of eight percent (8%) on the gross purchase price of alcoholic

beverages purchased by retail dealers in the Town of White Bluff for the purpose of resale.

(2) **Collection.** The inspection fee shall be collected by the wholesaler and transmitted to the town treasurer not later than the 20th day of each month for the preceding month. (as added by Ord. #291, Feb. 2009)

**8-110. Contents of application for certificate of good moral character.** Each applicant for a certificate of good moral character shall file an application for same on a form provided by the Town of White Bluff. Such application shall be accomplished by instructions thereof. A copy of each application form, questionnaire, partnership agreement, or any other form or material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this application shall be attached to the town application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The application form shall be signed and verified by each person to have any interest in the license either as owner, partner, stockholder, director, or otherwise. If at any time the applicable state statutes shall be changed so as to dispense with the requirement of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the town recorder. (as added by Ord. #291, Feb. 2009)

**8-111. Certificate of good moral character.** A certificate of good moral character shall be signed by the mayor and a majority of the town council while in session and conditioned upon the applicant fulfilling the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are to be of good moral character and are to be personally known to a majority of the town council; or

(2) If a corporation, partnership, association, or firm, the executive officers of those in control are to be of good moral character and personally known to a majority of the town council; and

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application. (as added by Ord. #291, Feb. 2009)

**8-112. No restrictions on number of stores.** There shall be no restriction on the number of stores for the sale of alcoholic beverages as herein defined. (as added by Ord. #291, Feb. 2009)

**8-113. Processing applications.** (1) Applications for renewal of license by the licensee will be processed in the same manner and under the same conditions as a new application.

(2) Application for employee's permit to serve as an employee in the place of business of a retail liquor store under the provisions of Tennessee Code Annotated, § 57-3-204, shall submit the name of such employee to the chief of police. (as added by Ord. #291, Feb. 2009)

**8-114. Advertising.** All advertising shall comply with the Town of White Bluff municipal sign ordinances and Tennessee Code Annotated, § 57-3-104(c)(9). (as added by Ord. #291, Feb. 2009)

**8-115. Certificate of moral character revoked by non-use.** Any applicant who has obtained a certificate of good moral character from the mayor and a majority of the town council as provided hereinafter, must, within six (6) months, open a store for the retail sale of alcoholic beverages to the public or said certificate of good moral character will be automatically revoked by the passage of said time. A certification thereof will be forwarded immediately to the Alcoholic Beverage Commission of the State of Tennessee and the license issued to said applicant shall be considered to have been cancelled and revoked. (as added by Ord. #291, Feb. 2009)

**8-116. Violations.** Any violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by fine in accordance with the general penalty clause for this code. In such instances, it shall be mandatory for the town judge immediately to certify said conviction, whether appealed or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions of Tennessee Code Annotated, § 57-3-101 through § 57-3-412, and the rules and regulations of said commission. (as added by Ord. #291, Feb. 2009)

**8-117. Consumption of liquor in certain places unlawful.** It shall be unlawful for any person or persons to drink whiskey, liquor, wine, and every liquid containing alcoholic spirits of over five percent (5%) while riding in or driving a motor vehicle in a park, road, a public place, a public place being defined as any park, street, roadway, or right-of-way for same, or any private property which is used for public parking.

Where any person or persons are observed with open bottles or containers of any kind containing whiskey or any of the above defined substances, there shall be a prima facie case that the occupants of said vehicle, or the other places defined herein, have been drinking from such containers. (as added by Ord. #291, Feb. 2009)

## CHAPTER 2

### BEER<sup>1</sup>

#### SECTION

- 8-201. Beer board established.
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- 8-203. Record of beer board proceedings to be kept.
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- 8-217. Violations.
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- 8-219. Beer permit classification.
- 8-220. "Church" and "school" defined.
- 8-221. Beer board special events subcommittee created.

**8-201. Beer board established.** There is hereby established a beer board to be composed of all the members of the town council. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation. (1983 Code, § 2-201)

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<sup>1</sup>Municipal code references

General business regulations: title 9.

Prohibition of minors in beer places and drinking beer on streets etc.: title 11.

State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1983 Code, § 2-202)

**8-203. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1983 Code, § 2-203)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1983 Code, § 2-204)

**8-205. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the Town of White Bluff in accordance with the provisions of this chapter. (1983 Code, § 2-205)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1983 Code, § 2-206)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the Town of White Bluff, Tennessee. Each applicant must be of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #138, Jan. 1993)



**8-208. Beer permits shall be restrictive.** (1) All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer shall be issued for either off-premises consumption or on-premises consumption. An initial applicant may apply for both types of permits and pay a single two hundred fifty dollar (\$250.00) application fee pursuant to § 8-207, but must pay a one hundred dollar (\$100.00) annual privilege tax for each permit. An applicant that currently holds a permit for off-premises consumption must pay an application fee of two hundred fifty dollars (\$250.00) for on-premises consumption, and pay the annual privilege tax for each permit. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

(2) All permit applicants for on-premises consumption of beer and renewals of permits must appear before the beer board and meet the following additional requirements:

(a) The location of the establishment must be in a C-1 or C-2 zone.

(b) The establishment must offer and serve retail food sales for on-premises consumption and food must be available at all times that beer is being sold.

(c) There must be seating for at least forty (40) patrons with at least eighty percent (80%) of the seating in booths or tables.

(d) Beer sales cannot exceed fifty percent (50%) of gross revenues of the establishment.

(e) The holder or applicant must appear before the beer board upon no less than ten (10) days notice and produce such sales tax records, wholesale beer and food purchases, and such other records that the board deems necessary to determine the permit holder's compliance with this ordinance.

(f) Permit holders who also hold a current liquor-by-the-drink permit from the Tennessee Alcoholic Beverage Commission are exempt from subsections (c), (d) and (e) as these holders are regulated by the Tennessee Alcoholic Beverage Commission. (1983 Code, § 2-208, as amended by Ord. #293, Feb. 2009)

**8-209. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business could cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, or morals of the citizens of the Town of White Bluff. In no event will a permit be issued authorizing the storage, sale, or manufacture

of beer at places within three hundred feet (300') of any school, church, or other such place of public gathering, measured in a straight line distance from the nearest corner of the church or school to the nearest corner of the establishment seeking a permit. In instances where the applicant or business holds a current Tennessee Alcoholic Beverage Commission license to sell on-premises alcoholic beverages, liquor-by-the-drink, then in such event the distance restriction shall be controlled by the Tennessee Alcoholic Beverage Commission regulations. (1983 Code, § 8-210, as amended by Ord. #179, April 1999, Ord. #250, March 2006, Ord. #300, July 2009, and replaced by Ord. #377, July 2015 *Ch2-5-7-19*)

**8-210. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude for which the applicant has been convicted within ten (10) years prior to the filing of the permit application. (1983 Code, § 2-211, modified)

**8-211. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) Employ any person under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.
- (3) Make or allow any sale of package beer for off-premises consumption between the hours of 12:00 midnight and 6:00 A.M. during any night of the week. It is further provided that the sale of beer for on-premises consumption shall be prohibited between the hours of 12:00 midnight and 11:00 A.M. The sale of package beer or beer for on-premises consumption on Sunday shall not commence prior to 12:00 noon and shall terminate at 12:00 midnight. For beer permit holders who also hold a current state license for on-premises consumption of alcoholic beverages, the hours of sale shall be the same as set by the alcoholic beverages commission, except the hours of sale on Sundays shall not be allowed prior to 12:00 noon and shall cease at 12:00 midnight.
- (4) Make or allow any sale of beer to anyone under the age of twenty-one (21) years.
- (5) Allow any minor to loiter in or about his place of business.
- (6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (7) Allow drunk or disreputable persons to loiter about his premises.
- (8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Allow dancing, live entertainment or any musical performance on the premises.

(10) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(11) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1983 Code, §2-212, as amended by Ord. #153, April 1996, modified, and amended by Ord. #291, Feb. 2009, and Ord. #303, Aug. 2009)

**8-212. Revocation of beer permits.** (1) The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of violating any of the terms of § 8-201, et seq. However, no beer permit shall be revoked or suspended unless there has been a public hearing held by the beer board after reasonable notice to all known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board.

(2) **Definitions.** (a) As used in this part, unless the context otherwise requires: the definition for the terms shall be as follows:

(i) Beer has the same meaning as such word as defined in Tennessee Code Annotated, § 57-5-101(b);

(ii) "Beer board" means the Town of White Bluff entity issuing beer permits;

(iii) "Certified clerk" means a clerk who has successfully satisfied the training requirements provided under Tennessee law under Title 39, Chapter 15, Part 4, Title 57, Chapter 5 relative to the sale of beer for off premises consumption, and said clerk has received certification from a responsible vendor training program as defined in that section;

(iv) "Clerk" means any person working in a capacity to sell beer directly to consumers for off premises consumption;

(v) "Commission" means the alcoholic beverage commission;

(vi) "Responsible vendor" means a vendor that has received certification from the commission;

(vii) "Responsible vendor training program" means a training program related to the responsible sale of beer for off-premises consumption which has met all the statutory and regulatory requirements set forth under Tennessee law and by the alcoholic beverage commission rules and regulations; and

(viii) "Vendor" means a person, corporation, or other entity that has been issued a permit to sell beer.

(b) **Violations.** The beer board may suspend a permit holder's license for a maximum of thirty (30) days for first offenses. In the beer board's discretion, at the time it imposes a suspension, it may offer the permit holder the option of paying a civil penalty not to exceed two

thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to a person under twenty-one (21) years of age; and for all other violations, a civil penalty not to exceed one thousand dollars (\$1,000.00). If a civil penalty is offered as an alternative to suspension, the holder shall have seven (7) days within which to pay the civil penalty before the suspension may be imposed. If the civil penalty is paid within that time, the suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of suspension by the permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

(3) Multiple offenses. If any permit holder is found guilty or pleads guilty to any violation of the provisions of this chapter, and has also had one (1) previous violation within the prior five (5) years, the license must be suspended for a period of no less than thirty (30) days. Permit holders who have been found guilty of any violation of the provisions of this chapter and have had more than two (2) violations within five (5) years prior to the date of a new violation, shall have their license revoked.

(4) Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty clause of the White Bluff Municipal Code. Each day a violation shall be allowed to continue shall constitute a separate offense.

(5) Violations by responsible vendors. (a) A permit issued to permit holder who is a responsible vendor may not be suspended or revoked by the beer board based upon a clerk's illegal sale of beer to a minor who is not of lawful drinking age if the clerk is properly certified and has attended annual meetings since the original certification or is within sixty-one (61) days of the date of hire at the time of such violation.

(b) Notwithstanding the provisions of subsection (a), the beer board shall have the authority to revoke the vendor's permit, certified as a responsible vendor, if the vendor had knowledge of the violation or should have known about such violation, or participated or committed such violation. In such event the beer board may punish or penalize the vendor for violation under these circumstances as if such vendor was not certified as a responsible vendor.

(c) If the State of Tennessee Alcoholic Beverage Commission revokes a vendor's status as a certified responsible vendor, no exemption of penalties shall be allowed under this section.

(6) Penalties for responsible vendor violations. (a) The beer board shall not revoke or suspend the permit of a responsible vendor for a clerk's illegal sale of beer to a minor if the permit or license holder and the clerk making the sale have complied with the requirements of section 7 of the Responsible Vendor Act, but the beer board may impose on such responsible vendor a civil penalty not to exceed one thousand dollars

(\$1,000.00) for each offense of making or permitting to be made any sales to minors.

(b) Permanent revocation of beer permits held by a responsible vendor may only be imposed if the permit holder has at least two (2) violations within a twelve (12) month time period.

(c) Revocation of beer permits applies only to that permit holder (and/or agents thereof) at that location. Revocation of beer permits will not stay with the property if the property changes hands, nor may the board apply penalties, suspensions or revocations to other beer permits held by the permittee at other locations. Revocation of a beer permit at one location should not be the sole disqualifying factor when considering the issuance of beer permits at other locations. (1983 Code, § 2-213, as amended by Ord. #198, Sept. 2000, modified, and amended by Ord. #276, Sept. 2007)

**8-213. Beer permits to be reviewed annually.** All beer permits issued as of January 1, 1975, shall be reviewed annually and will be issued based upon provisions contained in the municipal code of the town of White Bluff. (1983 Code, § 2-214)

**8-214. Beer permit applications shall provide documentation of registration for sales tax.** Before issuing a beer permit approved by the town council the recorder shall receive from the applicant for such permit such documentation issued by the State of Tennessee Department of Revenue demonstrating that the applicant is duly registered for the sales tax.

In the event the applicant fails or refuses to present the recorder with the above documentation, the recorder shall not issue the permit even though it has been approved by the town council. (Ord. #119, Aug. 1991)

**8-215. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of White Bluff, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #138, Jan. 1993)

**8-216. Multiple offenses.** If any permit holder is found guilty or pleads guilty to any violation of the provisions of this chapter, and has also had one (1) previous violation within the prior five (5) years, the license must be suspended for a period of no less than thirty (30) days. (Ord. #198, April 2000)

**8-217. Violations.** Except as provided in § 8-213, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty clause of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #198, April 2000)

**8-218. Special event permits.** (1) The Town of White Bluff Beer Board is authorized to issue special event permits to individuals and organizations.

(2) The special event permit shall not be issued for longer than one (1) forty-eight (48) hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law.

(3) The application for the special event permit shall require identifying information of the individual and/or organization and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license. The town has the right to perform a background check on the individual or organization requesting the special event beer permit and has the right to deny a special event permit based on the findings of the background check.

(4) No individual or organization granted a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

(5) Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of White Bluff will result in a denial of a special event beer permit for the sale of beer for a minimum period of one (1) year.

(6) The cost for the permit is one hundred dollars (\$100.00) and must be paid in full prior to the consideration for a special event permit by the Town of White Bluff Beer Board. (as added by Ord. #375, March 2015 *Ch2\_5-7-19*)

**8-219. Beer permit classification.** There shall be five (5) classes or kinds of permits issued by the beer permit board as follows.

(1) Manufacturers. A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer which product may be consumed upon the premises of the manufacturer to the extent permitted by state law of general application.

(2) Off-sale. An "off-sale" permit to any person, entity, or legal organization engaged in the sale of beer where it is not to be consumed by the purchaser upon or near the premises of the seller.

(3) On-sale. An "on-sale" permit to any person or legal organization engaged in the sale of beer where it is to be consumed by the purchaser or his guests upon the premises of the seller, and provided beer may also be sold in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges upon their obtaining the required permit.

(a) Anyone applying for or obtaining an on-sale permit may also sell beer to go so a patron may take beer with him purchased at such place after consuming beer. This will be known as a "joint" permit and shall cost an additional two hundred fifty dollars (\$250.00) at the time the application is made, or at any subsequent time when it is sought to change the type permit.

(b) No alcoholic beverage shall be consumed in the parking lot of any establishment possessing an on-sale permit, except that, with prior approval of the beer board, through the application and approval of a special permit, as defined under this chapter, for special events no longer than three (3) consecutive calendar days, permittees may allow consumption of alcoholic beverages sold by the permittee within an area that is roped off or otherwise separated by a continuous fence or other type of barrier from the remaining portion of their parking lot, both ends of which terminate at the permittee's building, deck, porch, patio, or other such attached structure, and provided further, that such permittee provides for an adequate number of private security personnel, as regulated by the Town of White Bluff, to prevent unlawful use or possession of alcoholic beverages and to enhance public safety.

(4) Special events permit. A "special events" permit is required to be issued to any person, entity, or organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller, including, but not limited to, any location the purchaser has rented for the purpose of the special event. The special events permit will be issued for the fee of one hundred dollars (\$100.00), after approval by the Town of White Bluff beer board. Prior notification must be made in writing thirty (30) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or town ordinances or regulations.

(5) Caterer permit. A "caterer" permit to any person, entity, or legal organization conducting a food and beverage catering business who or which has been previously issued a liquor by the drink certificate from the Tennessee Alcoholic Beverage Commission. The liquor by the drink certificate must be current and not expired or revoked at the time of application for the caterer permit. The caterer permit will be issued for the fee of one hundred dollars (\$100.00), after approval by the Town of White Bluff Beer Board. (as added by Ord. #376A, July 2015 *Ch2\_5-7-19*)

**8-220. "Church" and "school" defined.** (1) A "church" shall be a place where religious services are held at least once a week, the premises occupied for church purposes exclusively, the premises is owned by the church, and which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

(2) A school shall be a school operated by the public school system of Dickson County or a private school accredited or approved by the State of Tennessee. (as added by Ord. #380, Nov. 2015 *Ch2\_5-7-19*)

**8-221. Beer board special events subcommittee created.** There shall be established a standing subcommittee that is specifically tasked with reviewing any and all special event beer permits that are submitted to the Town of White Bluff.

(1) The subcommittee. The mayor, the chief of police, and the public works director shall comprise the three (3) members of the subcommittee. If in the event a named member cannot serve on the subcommittee, the mayor shall designate another individual to fill the seat. The subcommittee shall be tasked with reviewing any and all special event beer permits that are submitted to the Town of White Bluff.

(2) Duties. The subcommittee shall review all special event beer permits and approve or deny said permits based upon the rules and regulations outlined by the Municipal Code of the Town of White Bluff.

(3) Reporting. The subcommittee shall prepare a list of all special event beer applications, their status, and whether or not an application was approved or denied. If an application was denied, the subcommittee shall succinctly explain why. Said list shall be presented to the Town of White Bluff Beer Board at the board's regularly scheduled meeting in the form of a report on all applications that have been submitted since the last beer board meeting. Based upon these reports, the beer board may recommend to the town council any changes that the beer board determines should be made for the town council's approval. (as added by Ord. #381, Feb. 2016 *Ch2\_5-7-19*)



CHAPTER 3

LIQUOR BY THE DRINK

SECTION

8-301. Annual privilege tax.

**8-301. Annual privilege tax.** There is here and now levied an annual privilege tax for collection from every person or entity which engages in the business of selling at retail alcoholic beverages for on-premises consumption within the municipal limits of the Town of White Bluff, to-wit:

License Fees

Restaurants:

Liquor and wine

75-125 seats .....	\$ 600.00
126-175 seats .....	\$ 750.00
176-225 seats .....	\$ 800.00
226-275 seats .....	\$ 900.00
276 seats and over .....	\$1,000.00

Wine only

40-125 seats .....	\$120.00
126-175 seats .....	\$150.00
176-225 seats .....	\$160.00
226-275 seats .....	\$180.00
276 seats and over .....	\$200.00

(as added by Ord. #292, Feb. 2009)