

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Retail sale of intoxicating liquor legalized.
- 8-102. Application for certificates of good moral character.
- 8-103. Issuance of license.
- 8-104. Location of stores.
- 8-105. Inspection of stores.
- 8-106. Inspection fee.

8-101. Retail sale of intoxicating liquor legalized. The Trousdale County Election Commission having certified that a majority of voters in a referendum on October 28, 1972, approved the operation of retail package stores to sell alcoholic beverages in the corporate limits of Hartsville, Tennessee, the same is therefore declared to be legal, subject to the provisions of Tennessee Code Annotated, title 57, the rules and regulations of the Tennessee Alcoholic Beverage Commission and the provisions of this chapter. (1985 Code, § 2-101)

8-102. Application for certificates of good moral character. All applications for certificates of good moral character as required by Tennessee Code Annotated, title 57, chapter 3, shall be made to the Board of Commissioners of the Town of Hartsville on forms provided by the board and approval, or disapproval, of said applications shall be by a majority vote of the board of commissioners and, if approved, the certificates will be issued by the clerk and the board of commissioners in a form and manner approved by the Tennessee Alcoholic Beverage Commission. (1975 Code, § 2-102)

¹Municipal code reference

Minors in beer places, etc.: title 11, chapter 1.

State law reference

Tennessee Code Annotated, title 57.

8-103. Issuance of license. All applications for license to operate such stores shall be made to board of commissioners on forms provided by the board of commissioners, and approved or disapproved, by a majority of the board of commissioners, after the applicant has qualified, as required by Tennessee Code Annotated, title 57, chapter 3, and has exhibited to the clerk the license issued by said Tennessee Alcoholic Beverage Commission. (1975 Code, § 2-103)

8-104. Location of stores. Retail liquor stores shall be located only in those areas of the town zoned as Highway Business District, Central Business District and Industrial District and the exact location of such stores within those areas are subject to the approval of a majority of the board of commissioners. (1975 Code, § 2-105)

8-105. Inspection of stores. Duly authorized representatives of the town shall have the right to inspect the premises of any licensee under this chapter during the hours when such establishments are open for the conduct of business. (1975 Code, § 2-106)

8-106. Inspection fee. An inspection fee is levied upon any licensee operating under the terms of this chapter in the amount of five percent (5%) of the wholesale price of alcoholic beverages supplied by a wholesaler to such licensee to be collected according to Tennessee Code Annotated, title 57, chapter 3. (1975 Code, § 2-107, as amended by Ord. #9-92, Sept. 1992)

ORDINANCE ORD-05-2003

BEER

An ordinance to establish the sale of beer within the limits of the general services district, urban services district, and any special services districts, of the Hartsville/Trousdale County Government. The purpose is to give conformity to all districts in the Hartsville/Trousdale County Government.

BE IT ORDAINED by the Hartsville/Trousdale County Commission meeting in regular session on this the 9th day of September, 2003, that the following regulations shall be established governing the sale of beer in Hartsville/Trousdale County:

SECTION

- 1-101. Sale, etc. of beer regulated.
- 1-102. Beer board created.
- 1-103. Quorum for meeting required.
- 1-104. Board to be organized.
- 1-105. Licenses to sell—application—hearings.
- 1-106. Requisite for issuance of license.
- 1-107. License required for storing to sell.
- 1-108. License application fee and privilege tax.
- 1-109. Licensee may not move location.
- 1-110. Hours and days of sale.
- 1-111. Prohibited conduct or activities by beer license holders.
- 1-112. Stores, license holder with relation to schools and churches.
- 1-113. Suspension, revocation of beer licenses.
- 1-114. Classes of consumption licenses.
- 1-115. Clubs, etc., organized solely for beverage sales.
- 1-116. Unsuitable types of establishments, etc.
- 1-117. Violations.

1-101. Sale, etc. of beer regulated. The transportation, storage, sale, distribution, possession and/or manufacture of beer and/or ale of an alcoholic content of not more than 5% by weight within the limits of the general services district, urban services district, and any special services districts, of the Hartsville/Trousdale County Government shall be subject to the regulations hereinafter set out and provided.

1-102. Beer board created. There is hereby created the Beer Board for the Hartsville/Trousdale County Government which shall consist of five (5) members appointed by the County Executive and approved by the County Commission.

1-103. Quorum for meetings required. At all meetings of said board a majority shall constitute a quorum and the board shall act only by vote of a majority of all its members.

1-104. Board to be organized. At the beginning of each new calendar year a meeting shall be had for the purpose of affecting organization and they shall select one of their number to act as chairman whose duties shall be to preside at all meetings of the board and they shall select another of their number to act as secretary to keep minutes, as an accurate record of the Board's actions. Meetings of said board shall be held at such times as designated by it, and at all times when necessary and proper to effectually carry out the provisions of this chapter, on which occasions meetings shall be held by call of the chairman.

1-105. Licenses to sell - -application- - hearings. Within thirty days from and after the passage of this chapter, all persons, firms, corporations or associations who shall thereafter desire to sell, store and/or manufacture such beer or beverage as prescribed herein, shall apply in writing to said board, under oath, on a form prescribed by it for a license to thereafter sell, store and/or manufacture such beer or beverages within the limits of the general services district, urban services district, and any special services districts, of the Hartsville/Trousdale County Government, in which written application shall be established the following:

(1) Neither the applicant nor any person employed by him subject to the provisions of this chapter shall have been convicted of any violation of the laws, provided by the statutes of Tennessee prohibiting the possession, sale, manufacturing or transportation of intoxicating liquor, or any other crime involving moral turpitude within the past ten (10) years.

(2) That no sale shall be made to minors nor shall they be licensed to consume such beverages on the premises, nor to license minors to loiter on the premises, nor employ minors directly in the sale or distribution of such beverages.

(3) That no sale shall be made to persons intoxicated, nor to feeble minded persons, nor to otherwise mentally incapacitated persons.

(4) That dancing as defined hereinbelow shall be licensed on the premises where the sale or distribution of beer is had:

(a) Expressly excluded from the types of dancing shall be any type of nudity which shall include strippers, both male or female, being naked or partially naked, and any type lingerie such as night clothes or undergarments, both male or female, of any type.

(b) There shall be no contest conducted in an establishment where beer and dancing are licensed, such as wet t-shirts, costume contests, tight jean contests, short-short contests, or mud wrestling.

(c) There shall be no table top or booth dancing in an establishment where beer or dancing are licensed.

(d) There shall be no male or female entertainment wherein such persons should engage in the fondling of the other in an establishment where beer or dancing are licensed.

(e) There shall be no adult or stag films with the ratings of X or higher in an establishment where beer or dancing are licensed.

(f) There shall be no sexual paraphernalia sold in an establishment where beer or dancing are licensed.

(5) That no sale or distribution of such beverages shall be made except at places where such sale or distribution will not cause congestion of traffic, or interference with schools, churches or other places of public gatherings, or otherwise interfere with public health, safety and morals.

(6) That in the place of business where such beverages will be sold or distributed, the consumption of any beverages greater than 5% by weight shall not be allowed.

(7) That in any place of business where such beverages are to be sold or distributed proper sanitary facilities shall be provided.

(8) That the applicant is of good character and has a suitable location to conduct said place of business; as per § 1-113.

(9) That proper visibility in the front windows shall be maintained from a height from the pavement of at least five feet.

(10) That in the place of business where such beverages is sold or distributed, and that the applicant shall conduct such place of business in an orderly, peaceable and lawful manner.

(11) The applicant must state whether or not the license he/she is applying for would allow the sale of beer either for on-premise consumption or for off-premise consumption or both of the foregoing. If a holder of a beer license for either off-premises consumption or on-premises consumption desires to change his method of sale, he shall apply to the board for a new license and provide such other relevant information as may be required by the board. A license holder shall be required to amend or supplement its application promptly if a change in circumstances affects the responses provided in this application.

(12) Any applicant making false statement in the application shall forfeit his license and shall not be eligible to receive any license for a period of ten (10) years.

Any applicant seeking a license under this section and who complies with the conditions and provisions of this section shall have issued to him the necessary license, and in the event the license is refused, the applicant shall be entitled to a hearing on his application for the issuance of a license. The refusal to grant a license, or the refusal to grant a hearing upon a person's application for a license, may be reviewed by the circuit or chancery court in the manner as authorized under 57-5-109.

Before any board shall issue a license under this section, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such license, whether the application is for the sale of alcoholic beverages for on-premises consumption or off-premises consumption, and the date and time of its meeting at which such application shall be considered. Such meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a license.

Where a license has been refused three (3) times, except for false statements in application then the applicant shall not be allowed to apply again for a license on the same premises until after the expiration of one (1) year from the date of the third refusal.

Nothing in this subsection shall be construed as prohibiting or in any manner limiting the right of any refusal to be reviewed by the circuit or chancery court in the manner as authorized under 57-5-109.

The applicant shall state distinctly whether the person so applying will conduct the business in person, or whether he is acting as agent for any other person, firm, corporation or association, and shall also state specifically the name of the owner or owners of such business, and whether a wholesale or retail sale or distribution will be made.

Upon filing of such written application with the County Court Clerk it shall be carefully examined by the members of said board and its action thereon shall be kept in writing as a part of the regular proceedings of said board. Upon favorable action by said board on applications submitted to it, a license shall be issued to the applicant, bearing the name of the chairman of said board and the date of its issuance.

The application shall at all times be kept on file by said board and shall be open to inspection of the general public.

The license thus obtained shall remain in full force and effect until its revocation by the board in the manner hereinafter prescribed.

1-106. Requisite for issuance of license. No license to engage in the business regulated by this chapter shall be granted to any person, persons, firm, corporation or association unless such applicant can comply with all of the provisions of § 1-105 of this chapter.

A license holder must return a license to the Hartsville/Trousdale County Government within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, however, that notwithstanding the failure to return a beer license, a license shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name.

1-107. License required for storing to sell. From and after thirty (30) days subsequent to the passage of this chapter it shall thereafter be unlawful and is hereby declared to be a misdemeanor for any person, firm, corporation, or association to store, sell, manufacture or distribute such beverages within the limits of the general services district, urban services district, and any special services districts, of the Hartsville/Trousdale County Government without first having obtained a license regularly and lawfully issued by the board in the manner prescribed herein and upon conviction shall be fined in accordance with the general penalty clause in this code.

1-108. License application fee and privilege tax. 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 license from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A. 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 Hartsville/Trousdale County Government. Each applicant must be a person of good moral character and certify that he/she has read and is familiar with the provisions of this

chapter. A background check shall be run on each applicant by the Sheriff's Department or any official law enforcement agency of the State of Tennessee.

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).

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 the first day of regular business day preceding January 1, and each successive January 1, to the Hartsville/Trousdale County Government.

The Hartsville/Trousdale County Government shall mail written notice to each license holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the license holder on its license application. If a license holder does not pay the tax by January 31 or within thirty (30) days after written notice of the tax was mailed, whichever is later, then the Hartsville/Trousdale County Government shall notify the license holder by certified mail that the tax payment is past due. If a license holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the license shall be void.

At the time a new license is issued to any business subject to this tax, the license 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.

The Hartsville/Trousdale County Government may utilize these tax funds for any public purpose.

1-109. Licensee may not move location. When any person shall move the location of the place of business where such beverages are sold, then in all cases he shall be required to obtain from the board a new license in the manner herein provided by application to said board therefor.

1-110. Hours and days of sale. At places having a license to sell beverages, for on-premises consumption and off-premises consumption the following shall apply:

Sales are permitted as follows:

Monday through Thursday	7:00 a.m. to 12:00 midnight
Friday and Saturday	7:00 a.m. to 2:00 a.m.
Sunday	12:00 noon to 12:00 midnight

Sales are prohibited at all other times.

1-111. Prohibited conduct or activities by beer license holders. It shall be unlawful for any beer license holder to:

(1) Employ any person convicted of any violation of the law or 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 minor under twenty-one (21) years of age in the sale, storage, distribution, or manufacture of beer (This provision shall not apply to grocery stores selling beer off-premises consumption only.)

(3) Make or allow any sale of beer to a minor under 21 years of age.

(4) No minor shall be permitted to loiter in or about any establishment whose primary business is the sale of alcoholic beverages.

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

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

(7) Serve, sell, or allow the consumption on his premises of any alcoholic beverages with an alcoholic content of more than five per cent (5%) by weight.

(8) To allow dancing on his/her premises as stated in § 1-105.

(9) Fail to provide and maintain separate sanitary toilet facilities for men and women where alcoholic beverages are sold for on-premises consumption.

1-112. Stores, license holder with relation to schools and churches. It shall hereafter be unlawful, and it is hereby declared to be a misdemeanor for any person, persons, firm, corporation, or association to sell or distribute any of such beverages at any location which is situated closer than five hundred (500) feet door to door from premises upon which is located a church, or other places of public worship, or closer than five hundred (500) feet from door to door premises upon which is located a school or closer than five hundred (500) feet door to door from residential neighborhood.

1-113. Suspension, revocation of beer licenses. The beer board shall have the power to revoke and suspend any beer license issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer license shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation and suspension proceedings may be initiated by Hartsville/Trousdale County Government law enforcement officials, or by any member of the Hartsville/Trousdale County Commission, or by any private citizen who is willing to file a written statement and testify under oath that they have witnessed a violation or violations.

Upon finding a violation, law enforcement shall serve notice to the licensee stating the violation and shall require the licensee to show cause why the license shall not be suspended. The licensee shall have twenty-four (24) hours in which to request a hearing. The law enforcement agency shall post a notice of the suspension on the door of the premises and take whatever steps may be necessary to carry out the provisions of this section. No beverages shall be sold on the premises during the suspension.

Licenses issued pursuant to the authority of the beer board shall be revocable at the discretion of the beer board. Whenever it shall be brought to the attention of the beer board that any declaration of fact contained in the application is false; that there has been any violation thereof; that the limitations and conditions of the license have been violated; that the licensee permits any drunken, disreputable or disorderly person heretofore connected with the violation of liquor laws to make his establishment a place of visitation or resort; that the licensee fails to file a report or pay any tax or license fee

required; or the licensee otherwise violates the provisions or restrictions of the state law, this section, this code or any other ordinance, the beer board shall revoke such license. The revocation shall become final after five (5) days' notice, unless the licensee within such five (5) days demands a hearing before the beer board. At this hearing the burden shall be upon the licensee to show that he has not done the things for which the beer board proposes to revoke his license pursuant to this section and that he has not violated the state law or the provisions of this section. The action of the beer board in affirming or setting aside the revocation of such license shall be final, except as same is subject to review at law in a court of competent jurisdiction.

1-114. Classes of consumption licenses. Licenses issued by the beer board shall consist of the following classes:

- (1) On-premise consumption
- (2) Off-premise consumption
- (3) Both on-premise and off-premise consumption

1-115. Clubs, etc., organized solely for beverage sales. No application for a license for any club or lodge shall be granted unless the same is regularly incorporated and operates under a charter and bylaws in which the officers are elected by regular membership, requiring a substantial membership or initiation fee of its members, and has a purpose of organization and existence other than the sale of beverages.

1-116. Unsuitable types of establishments, etc. The following establishments are hereby declared unsuitable for the retail sale of beverages, and no license therefor shall be granted:

(1) Establishments located within five hundred (500) feet of churches, schools, state institutions and privately operated charitable or eleemosynary institutions. This distance shall be measured from door to door.

- (2) Establishments in predominantly residential districts.
- (3) Establishments not abutting on a public sidewalk or street.
- (4) Establishments which are not kept in a clean and sanitary condition.
- (5) Establishments which are not equipped with necessary toilet facilities approved by the Hartsville/Trousdale County health department.
- (6) Establishments that are not adequately lighted and ventilated.
- (7) Establishments situated in alleys, upstairs, or in basements.
- (8) Establishments which are equipped with windows which are painted or otherwise not transparent, and do not conform to § 1-105(9).

1-117. Violations. Punishment for violation of beer code, except for selling to minors, in a three (3) year period will be as follows:

- | | | |
|----------------|---|---|
| First offense | - | \$100 fine 6 months probation |
| Second offense | - | \$500 fine 1 year probation |
| Third offense | - | \$1000 fine license suspended for 1 year. |
- Any violation during probation results in license suspended for one (1) year.

For violation of selling beer to a minor the punishment will be as follows:
First offense \$750 fine 1 year probation
Second offense \$1,500 fine - license suspended for 1 year.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately following its passage of two consecutive readings before the Hartsville/Trousdale County Commission.

Ordinance Approved upon 1st reading this 28th day of July, 2003.

Ordinance Approved upon 2nd reading this 9th day of September, 2003.

Gary Clift
COMMISSION CHAIRMAN

ATTEST:

David Gregory
COUNTY CLERK

ORDINANCE #98-2014-5

12. D. E.E.

**An Ordinance to amend previously adopted Ordinance #05-2003 "Beer";
Section 1-112. Stores, license holder with relation to schools and churches; and
Section 1-116 (1) Unsuitable types of establishments, etc.**

TO WIT:

WHEREAS, the beer sale controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community;

WHEREAS, Ordinance #05-2003 Beer, was adopted to establish the sale of beer within the limits of the General Services District, Urban Services District, and any special service districts, of the Hartsville/Trousdale County Government, and to give conformity to all districts in the Hartsville/Trousdale County Government; and

WHEREAS, the Hartsville/Trousdale County Beer Board has duly reviewed and recommended certain amendments to this Ordinance to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading;

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION THAT:

1. Ordinance #05-2003, "Beer" Section 1-112, be amended to read:

It shall hereafter be unlawful, and it is hereby declared to be a misdemeanor for any person, persons, firm, corporation, or association to sell or distribute any such beverages at any location which is situated closer than *five hundred (500) feet in the General Services District, and one hundred feet (100) in the Urban Services District*, door to door from premises upon which is located a church, other place of worship, a school or residential neighborhood.

BE IT FURTHER ORDAINED THAT:

2. Ordinance #05-2003, Beer, Section 1-116 (1), be amended to read:

(1) Establishments located within *five hundred (500) feet* of churches, schools, state institutions and privately operated charitable or eleemosynary institutions in *the General Services District*, and *one hundred (100) feet* of churches, schools, state institutions and privately operated charitable or eleemosynary institutions in *the Urban Services District*. This distance shall be measured from door to door.

BE IT ENACTED that this Ordinance shall take effect from and after its adoption, the public welfare requiring it.

Recommended by Hartsville/Trousdale County Beer Board: February 11, 2014

Public Hearing Held on 3-24-14

Passes 1st Reading: 2-24-14

Passes 2nd Reading: 3-24-14

APPROVED:


COMMISSION CHAIRMAN

ATTEST:


COUNTY CLERK