

ORDINANCE NO. 96-001

AN ORDINANCE AMENDING THE BEER BOARD REGULATIONS OF THE TOWN OF THOMPSON'S STATION, TENNESSEE, REGARDING BEER BOARD MEETINGS, PROCEEDINGS, POWER AND DUTIES, PERMITS AND PROHIBITED CONDUCT AND ACTIVITIES OF PERMIT HOLDERS AND REGULATIONS FOR SUSPENSION AND REVOCATION OF BEER PERMITS, AND REPEALING ORDINANCE NOS. 91-001 AND 93-004.

WHEREAS, it is deemed necessary by the Mayor and Board of Aldermen of the Town of Thompson's Station, Tennessee, to amend the uniform procedures for the regulation of beer sold within the municipal limits and procedure to govern the issuance and holding of beer permits; and

WHEREAS, upon final adoption of this Amended Ordinance, Ordinance Nos. 91-001 and 93-004, shall be repealed;

NOW, THEREFORE, BE IT ORDAINED by the Town of Thompson's Station, Tennessee, as follows:

1. ESTABLISHMENT OF BEER BOARD: There is hereby established a Beer Board to be composed of the Board of Mayor and Aldermen. The Mayor shall be the chairman of the Beer Board.

2. MEETINGS OF BEER BOARD: All meetings of the Beer Board shall be open to the public. The Board shall hold regular meetings in the Town 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 reasonable notice thereof to each member. The Board may adjourn a meeting at any time to another time and place.

3. RECORD OF BEER BOARD MEETINGS 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 the 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.

4. REQUIREMENT FOR 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 cast a "nay" vote.

5. POWERS AND DUTIES OF BEER BOARD: The Beer Board shall have the power and is hereby directed to regulate the selling, storing for sale, distributing for sale and manufacturing of beer within this Town in accordance with the provisions herein contained.

6. "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 (5%) percent by weight.

7(a). 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 T.C.A. 57-5-101(b), and shall be accompanied by a non-refundable application fee of Two Hundred and Fifty (\$250.00) Dollars. Said fee shall be in the form of a

cashier's check payable to the Town of Thompson's Station, Tennessee. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter.

(b). PRIVILEGE TAX: There is hereby imposed on the business of selling, distributing, storing or manufacturing beer, an annual privilege tax of One Hundred (\$100.00) Dollars. 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 Thompson's Station, 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.

8(a). BEER PERMITS SHALL BE RESTRICTIVE: All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permit shall be required for selling at retail, storing, distributing and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of beer business not expressly authorized by a particular permit. It shall likewise be unlawful not to comply with any and all express restrictions or conditions which may be written into the permit authorized by the Beer Board.

(b). A beer permit issued hereunder shall be issued only in the name of the individual, manager or employee applicant. A permit, except as authorized stated in this ordinance, shall continue to be valid so long as that individual, manager or employee is engaged in business at the location authorized in the permit. The individual, manager or employee is charged with compliance of this ordinance at the permit location. A permit does not run with the land or business.

9. TYPES OF CONSUMPTION PERMITS: Permits issued by the Beer Board shall consist of two types:

A. An "On-Premises Permit" shall be used for the consumption of beer only on the premises. To qualify for an On-Premises Permit, an establishment, in addition to meeting the other regulations and restrictions in this ordinance, must:

1. be a restaurant or eating place; and
2. be able to seat a minimum of thirty people, including children, in booths and at tables, in addition to any other seating it may have; and
3. have all seating in the interior of the building under a permanent roof.

B. An "Off-Premises Permit" shall be issued for the consumption of beer only off of the premises. To qualify for an Off-Premises Permit, an establishment, in addition to meeting the other regulations herein, must:

1. be a grocery store or convenience type market; and
2. in either case, be primarily engaged in the sale of grocery and personal and home care and cleaning articles, but may also sell gasoline.

10. INTERFERENCE WITH PUBLIC HEALTH, SAFETY AND MORALS PROHIBITED: No permit authorizing the sale of beer will be issued when such businesses would cause congestion of traffic or would interfere with hospitals, schools, churches or other places of public gatherings, or would otherwise interfere with the public health, safety and morals. In no event will a permit be issued authorizing the manufacture or storage of beer or the sale of beer by permit holder, within three hundred (300') feet of any hospital,

school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sets the building from which the beer will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering.

11. ISSUANCE OF PERMITS TO PERSONS CONVICTED OF CERTAIN CRIMES: 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, within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate or association having at least a Five (5%) Percent ownership interest in the applicant shall have 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.

12. PROHIBITED CONDUCT AND ACTIVITIES BY BEER PERMIT HOLDERS: It shall be unlawful for any beer permit holder to:

- a. 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; and
- b. make or allow sale of beer between the hours of 12:00 midnight and 6:00 a.m.; and
- c. allow any loud, unusual or obnoxious noises to emanate from the premises; and
- d. make or allow any sale of beer to a person under twenty-one (21) years of age; and
- e. allow any person under twenty-one (21) years of age to loiter in or about his place of business; and
- f. make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane or otherwise mentally incapacitated person; and
- g. allow drunk persons to loiter about the premises; and
- h. serve, sell or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five (5%) percent by weight; and
- i. "Off-Premises" permit holders shall not allow the consumption of alcohol in or about their premises whatsoever; and
- j. allow gambling on his premises; and
- k. "On-Premises" permit holders shall not fail to provide and maintain sanitary toilet facilities; and
- l. allow an employee of the permit holder who is under the age of eighteen (18) years to sell beer.

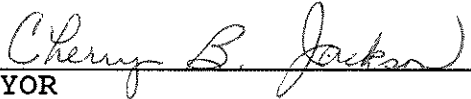
13(a). SUSPENSION AND REVOCATION OF BEER PERMITS: The Beer Board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this ordinance. However, no beer permit shall be suspended or revoked until a public hearing is held by the Board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by any member of the Beer Board.

(b). CIVIL PENALTY IN LIEU OF SUSPENSION: The Beer Board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to

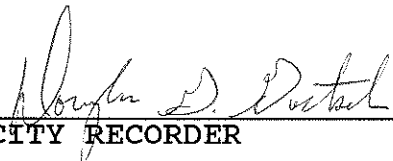
exceed One Thousand Five Hundred (\$1,500.00) Dollars for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed One Thousand (\$1,000.00) Dollars for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

UPON FULL ADOPTION HEREOF, ORDINANCE NO. 91-001 AND ORDINANCE NO. 93-004 ARE REPEALED.

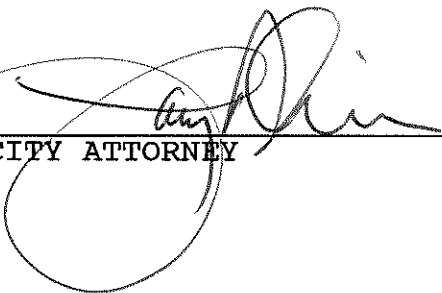
This ordinance shall take effect from and after second reading hereof, the public welfare requiring such.


MAYOR

ATTEST:

 4/9/96
CITY RECORDER

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY