

## TITLE 8

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

#### CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. LIQUOR STORES.
4. PROOF OF AGE.
5. CERTAIN SPECIAL EVENTS ALLOWING FOR CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AND/OR BEER ON PUBLIC PROPERTY.
6. SALE OF WINE IN RETAIL FOOD STORES.

#### CHAPTER 1

### INTOXICATING LIQUORS

#### SECTION

- 8-101. Definition of "alcoholic beverages."
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the city clerk.
- 8-105. Public consumption of intoxicating liquors or alcoholic beverages prohibited.
- 8-106. Manufacture of intoxicating liquors, intoxicating drinks, and high alcohol content beer.
- 8-107. Municipal inspection fee imposed.

**8-101. Definition of "alcoholic beverages."** As used in this chapter, unless the context dictates otherwise: "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being other than patent medicine or beer, as the same is defined in City Code § 8-201. (Ord. #97-07, Feb. 1997, as replaced by Ord. #2017-03, March 2017)

**8-102. Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within the corporate limits of Maryville, Tennessee. It is the intent

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

of the city council that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Maryville, Tennessee, the same as if said code sections were copied herein verbatim. (Ord. #97-07, Feb. 1997)

**8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by T.C.A., title 57, chapter 4, section 301, for the City of Maryville General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Maryville alcoholic beverages for consumption on the premises where sold. (Ord. #97-07, Feb. 1997)

**8-104. Annual privilege tax to be paid to the city clerk.** Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Maryville shall remit annually to the city clerk the appropriate tax described in § 8-103. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (Ord. #97-07, Feb. 1997)

**8-105. Public consumption of intoxicating liquors or alcoholic beverages prohibited.** None of the beverages regulated by this chapter shall be consumed upon any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school nor upon any park or public grounds nor upon any vacant lot within two hundred (200) feet of any public street, highway, avenue, or other public place.

Despite the provisions of this section, possession and consumption of alcoholic beverages and beer as otherwise defined in this title is permitted during certain city sponsored or co-sponsored special events within the physical parameters of the special event zone during the time of the special event if otherwise provided by resolution of the city council. (as added by Ord. #2008-16, March 2008, and amended by Ord. #2013-05, Ord. #2013-05, March 2013, and Ord. #2015-33, April 2015)

**8-106. Manufacture of intoxicating liquors, intoxicating drinks, and high alcohol content beer.** Intoxicating liquors, intoxicating drinks and high alcohol content beer as defined by state law may be manufactured within the corporate limits upon:

- (1) Payment of a privilege tax to the city as required by law;

(2) The issuance by the city of a license authorizing the manufacturing facility to operate; and

(3) Proper licensure from the alcoholic beverage commission. Such local license shall be considered and granted, if appropriate, by city council and issued by the city recorder if all requirements under state law for the applicant to manufacture intoxicating liquors, intoxicating drinks and/or high alcohol content beer are met. The applicant shall provide all information for such license applications required by the city recorder. (as added by Ord. #2014-21, June 2014)

**8-107. Municipal inspection fee imposed.** (1) An inspection fee for the city to inspect the retail store of a manufacturer of high alcohol content beer within the city limits is hereby imposed at a rate of fifteen percent (15%). A manufacturer of high alcohol content beer shall obtain a retail license to sell its products manufactured on the manufacturer's premises. Such inspection fee shall be imposed at the wholesale price of the high alcohol content beer supplied by the wholesaler for those products manufactured and sold by the manufacture at its retail store.

(2) Further, an inspection fee is hereby levied on a manufacturer of alcoholic beverages other than high alcohol content beer to the extent that such manufacturer is licensed retailer of alcoholic beverages other than high alcohol content beer within the municipality. The inspection fee is hereby set at eight percent (8%) of the wholesale price of the alcoholic beverages other than high alcohol content beer supplied by the wholesaler as provided by state law. (as added by Ord. #2014-23, June 2014)

## CHAPTER 2

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

#### SECTION

- 8-201. Beer board.
- 8-202. Authorization of beer businesses.
- 8-203. Locations of beer businesses.
- 8-204. Hours and days of sale, etc., regulated.
- 8-205. Permits for the manufacture of beer.
- 8-206. Public consumption of beer prohibited.
- 8-207. Beer permits.
- 8-208. Permits for retail sales; types designated.
- 8-209. Restrictions upon issuance of on-premise beer permits.
- 8-210. Restrictions on financial interests of beer permit holders.
- 8-211. Restrictions upon issuance of off-premises beer permits.
- 8-212. Selling or otherwise dispensing beer to persons in motor vehicles.
- 8-213. Restrictions pertaining to minors.
- 8-214. [Deleted.]
- 8-215. Selling or otherwise dispensing beer to persons without valid permits  
or to persons engaging in unlawful practices prohibited.
- 8-216. Revocation of beer permits.
- 8-217. Inspection of beer businesses.
- 8-218. Violations and fines.
- 8-219. Special events permits.
- 8-220. No permit required for certain private events.
- 8-221. Caterer permits.
- 8-222. Special event permits.

**8-201. Beer board.** There is hereby created a board to be known as the Maryville Beer Board which shall be composed of the members of the city council of the City of Maryville whose duty it shall be to regulate, supervise and control the issuance, suspension and revocation of permits to sell, store, distribute, dispense, serve and/or manufacture beer as defined hereunder in the City of Maryville. The mayor shall be the chairman and the city recorder shall be the secretary of said board. A majority of the board shall constitute a quorum for any purpose.

The secretary of the board shall keep a record of all the proceedings of the board, in the form of a minute book, and shall keep on file in his office all original applications and a duplicate of each permit issued. The board shall be

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<sup>1</sup>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).

empowered to employ a court reporter or person of equivalent ability whenever necessary in any proceeding before it. The power, right, and authority are hereby conferred upon said board to arrange for and prescribe the details and form of the necessary applications, permits, and other matters incident to carrying out the provisions of this chapter. The board shall meet upon call of the chairman of the board to transact such business as may properly come before it.

The board shall perform such other duties and have such other power and authority provided by statute and this chapter.

In this title, chapter and code, "beer" means beer, ale or malt beverages, or any other beverages having an alcohol content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101; provided, however, 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. (1985 Code, § 2-201; as replaced by Ord. #2006-05, Jan. 2006, and amended by Ord. #2017-03, March 2017)

**8-202. Authorization of beer businesses.** Pursuant to Tennessee Code Annotated, §§ 57-5-101 et seq. it shall be unlawful in the City of Maryville to transport, sell, distribute, possess, receive, or manufacture beer as defined in this chapter except as provided in this chapter and subject to the privilege taxes provided in this code. Provided, however, it shall be unlawful for any person, firm, co-partnership, corporation, joint stock company, syndicate, association, or other group operating as a unit to sell, store, dispense, serve, distribute, and/or manufacture any of the said beverages regulated by this chapter within the City of Maryville without having first obtained a duly issued permit and license to do so in the manner prescribed in this chapter. (1985 Code, § 2-202; as replaced by Ord. #2006-06, Jan. 2006, and amended by Ord. #2017-03, March 2017)

**8-203. Location of beer businesses.** Beer businesses shall be located where the applicable zoning is appropriate for the proposed use. No beer permit shall be granted to a tavern or craft beer retailer as defined elsewhere in this chapter located within one hundred fifty feet (150') of any school (public, private or church) as measured on a straight line from the nearest property line of said school or church to nearest point of the building or structure where the beer is stored, sold or manufactured except that this provision shall not be applicable to permits located within the central business district, the central transition zone, the Washington Street commercial corridor, and the high intensity commercial zoning district of the City of Maryville. (1985 Code, § 2-203, modified; as replaced by Ord. #2006-05, Jan. 2006, Ord. #2008-13, March 2008, and Ord. #2014-22, June 2014)

**8-204. Hours and days of sale, etc., regulated.** It shall be unlawful for any person, firm, corporation, joint stock company, syndicate, or association to offer for sale or sell beer as defined in this chapter within the corporate limits of Maryville, Tennessee, between the hours of 3:00 A.M. and 6:00 A.M. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. No such beverages shall be consumed or opened for consumption on or about any premises where beer as defined in this chapter is sold within the corporate limits of Maryville, Tennessee, in either bottle, glass or other container after 3:15 A.M. (Ord. #97-07, Feb. 1997, as amended by Ord. #2002-32, Oct. 2002, replaced by Ord. #2006-05, Jan. 2006, and amended by Ord. #2017-03, March 2017)

**8-205. Permits for the manufacture of beer.** Permits for the manufacture of beer shall be issued in accordance with the general requirements of this chapter. A manufacturer of beer can further apply for permits for retail sale for on-premise and/or off premise consumption. "Manufacture" shall mean producing beer at a rate of at least two hundred (200) barrels each calendar year on the licensed premises. "Barrel" shall mean thirty-one (31) gallons. Documentation by the manufacturer of the number of barrels each calendar year may be required. (1985 Code, § 2-206, as deleted by Ord. #2002-32, Oct. 2002, and replaced by Ord. #2012-24, Sept. 2012)

**8-206. Public consumption of beer prohibited.** None of the beverages regulated by this chapter shall be consumed on any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school, nor upon any park or public grounds nor upon any vacant lot within two hundred (200) feet of any public street, highway, avenue, or other public place.

Despite the provisions of this section, possession and consumption of beer is permitted during certain city sponsored or co-sponsored special events within the physical parameters of the special event zone during the time of the special event if otherwise provided by resolution of the city council. (1985 Code, § 2-207, as amended by Ord. #2000-01, Jan. 2000, and Ord. #2001-09, April 2001, replaced by Ord. #2006-05, Jan. 2006, and Ord. #2008-17, March 2008, and amended by Ord. #2013-05, March 2013)

**8-207. Beer permits.** (1) No permit shall be issued except on application in writing of the owner or owners of the business made to the Maryville Beer Board which application shall be sworn to by the applicant. All applications shall be made on a form provided for that purpose and shall be filed with the secretary of the beer board. In no event shall a permit be issued without the written approval of the application by a majority of the beer board. The business must operate in the same name as identified on the permit application.

Prior to the consideration of an application the City of Maryville shall collect an applicant fee of two hundred fifty dollars (\$250.00) in accordance with

Tennessee Code Annotated, § 57-5-104. For special event permits, the city may in the discretion of the city manager provide an incentive payment of up to two hundred fifty dollars (\$250.00) per approved application to the applicant with such payment being made upon the conclusion of the special event if the permit holder participates in the special event and complies with all of the requirements of this title.

(2) Except for special event permits, permits shall be issued for an indefinite period of time except that the Maryville Beer Board may issue a permit for a shorter or probationary period if in its discretion it deems such action proper and reasonable under the circumstances.

(3) Except for special events permits, 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 on each successive January 1, to the City of Maryville, 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, all as provided in Tennessee Code Annotated, § 57-5-104.

(4) Except for catering permits, no permit now in force or hereinafter issued shall be good or valid except at the location described in the application upon which it is based nor shall any such permit be transferrable. If any permit holder is a corporation or limited liability company, a change in ownership requiring the issuance of a new permit shall occur when control of fifty percent (50%) or more of the stock of the corporation or limited liability company is transferred to a new owner.

(5) The applicant or a representative may be required to appear in person before the board and subject himself to examination upon any and all questions appertaining to his qualifications under this chapter and amendments thereto.

(6) No permit may be granted hereunder to any establishment when any person, firm or corporation having at least a five percent (5%) ownership in the establishment has been convicted within ten (10) years prior to the application for a permit hereunder of a violation of the laws governing the possession, sale or manufacture of alcoholic beverages or of any felony or crime involving moral turpitude or has had a beer permit revoked or suspended within the past ten (10) years. No person employed by any beer business shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of alcoholic beverages or any felony or crime involving moral turpitude within the last ten (10) years.

(7) Except for caterer's permits and special event permits, every permit issued pursuant to this chapter shall be displayed in a conspicuous place in the place of business owned and described in the permit.

For caterers, the permit shall be prominently displayed at a location of the catered event.

For special events permits, the permit shall be displayed in a conspicuous way at the location where the beer is sold.

Except for caterer's licenses, a permit shall be valid only for a single location and cannot be transferred to another location except where an owner operates two (2) or more restaurants or businesses within the same building then the owner may in the owner's discretion operate some or all of such businesses pursuant to this same permit. A permit shall be valid for all decks, patios and other outdoor serving areas which are contiguous to the exterior of the building in which the business is located and are operated by the business.

(8) No permit or license shall be issued pursuant to this chapter unless the applicant establishes to the satisfaction of the board that he has obtained all permits and paid all required fees and privilege taxes and has met all of the requirements of the laws of the State of Tennessee and the United States.

(9) The holder of a permit issued pursuant to this chapter desiring to voluntarily surrender the permit shall tender said permit to the beer board. The beer board shall take such action upon the offer to surrender as it may determine necessary and advisable under the circumstances, and it shall have the absolute authority to refuse to accept the surrender of any permit.

(10) Upon notice by the Maryville Chief of Police or his agent that the City has reasonable cause to conclude that a permit holder is ineligible to hold a permit and/or falsified information in order to obtain a permit, the permit will be immediately temporarily suspended. The permit holder may request a hearing before the board within seven (7) working days of the suspension.

(11) If any false or misleading information is found in any material submitted to the board by or on behalf of an applicant for a beer permit, the application shall be cancelled and the applicant and any person who submitted false or misleading information shall not be permitted to apply for a beer permit for a period of ten (10) years from the date of the cancellation of the application.

(12) If any false or misleading information is found in any material submitted to the beer board by or on behalf of a holder of a beer permit, the permit shall be revoked immediately by the beer board and the permit holder and any person who submitted false or misleading information shall not be permitted to apply for a beer permit for a period of ten (10) years from the date of the revocation of the permit.

(13) A permit holder must return to the beer board all permits issued to the permit holder by the beer board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, that notwithstanding the failure to return a beer permit, the permit shall expire on the termination of the business, change in ownership, relocation of the business or change in the business's name.

(14) Except for special events permits or caterer's permits, generally there shall be one (1) permit holder per location with a beer permit. During a period of time where a beer business is in the process of being sold or



transferred, there may be two (2) permits issued for the same location for a period of up to sixty (60) days of overlap. If there is a violation of this chapter during that overlapping period of time, the permit holder who had actual control over the person or persons violating the chapter will be held responsible. In the event that it cannot be reasonably determined which permit holder is in control of such person or persons, then both permit holders shall be responsible for the violation. If more than sixty (60) days passes from the date of issuance of the second permit for the same location for a beer business and two (2) permits remain in place for the same address, the newer permit shall become null and void with no refund or compensation due to its holder. (1985 Code, § 2-208, modified, as amended by Ord. #2002-32, Oct. 2002, replaced by Ord. #2006-05, Jan. 2006, and amended by Ord. #2012-25, Sept. 2012, Ord. #2014-27, Sept. 2014, and Ord. #2015-31, April 2015)

**8-208. Permits for retail sales; types designated.** Permits for the retail sale or giving away of beer shall be (1) caterer's permits, (2) special events permits, or (3) permits of the following two (2) types:

(1) On-premise permits. On-premises permits shall be issued for the consumption of beer on premises in accordance with the provisions of this chapter.

(2) Off-premise permits. Off-premise permits shall be issued for the sale of beer for consumption off the business premises in accordance with the provisions of this chapter.

A business can sell beer both for on-premise and off-premises consumption at the same location pursuant to one (1) permit if otherwise permitted by law and this section. (1985 Code, § 2-209; as replaced by Ord. #2006-05, Jan. 2006, and Ord. #2015-31, April 2015, and amended by Ord. #2015-72, Nov. 2015)

**8-209. Restrictions upon the issuance of on-premise beer permits.** Permits for the on-premise sale or giving away of beer shall be issued according to the following classes and limitations except that this provision shall not be applicable to the renewal of any permit existing and outstanding as of September 18, 1980 (date this section was replaced):

(1) On-premise where beer is sold for consumption at a restaurant. Restaurant shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premises. A restaurant as so defined shall be a public place where meals are actually and regularly served, and such place being provided with adequate and sanitary kitchen and dining room equipment, serving at least two (2) meals per day, five (5) days a week, and the serving of such meals shall be the principal business conducted. There shall be no limitation on the number of beer permits issued to restaurants.

(2) On-premise where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a

total of twelve (12) taverns located within the corporate limits of the City of Maryville.

(3) On-premise where beer is sold in the rooms of regularly conducted hotels and motels as the same are defined under Tennessee state law regulating beer permits. Beer sold under such permit shall be dispensed to adult guests only through locked, in-room units. No person under the age of twenty-one (21) shall be issued or supplied with a key by any hotel or motel for such units.

(4) On-premise where beer is sold by a manufacturer of beer. A manufacturer shall mean a business establishment whose business is the manufacture of beer to be consumed on-premise or off-premise.

(5) On-premise where beer is sold by a craft beer retailer. A "craft beer retailer" is a business whose primary business is the retail sale of craft beer. Craft beer means beer as otherwise defined in this chapter that is further manufactured by breweries with an annual production of six million (6,000,000) barrels or less.

(6) On-premise where craft beer is sold by a grocery store. Craft beer may be sold or given away for on-premise consumption at a grocery store but only as set forth herein. Craft beer means beer as defined in this chapter that is further manufactured by breweries with an annual production of six million (6,000,000) barrels or less. A grocery store shall mean a business establishment whose primary business is the retail sale of food merchandise and household items. Grocery stores can sell or give away four ounce (4 oz.) samples of craft beer for tasting by customers to allow the customer to decide what type of craft beer the customer might want to purchase. No more than four (4) of such four ounce (4 oz.) samples of craft beer may be given to a customer per visit, with one (1) visit per day allowed per customer for sampling purposes. Taps for such craft beer must be manned when the taps are in operation for sales by a grocery store employee. The beer tap must not be accessible to or used by a customer directly at any time. (1985 Code, § 2-210, as replaced by Ord. #2006-05, Jan. 2006, and amended by Ord. #2008-28, Aug. 2008, Ord. #2012-24, September 2012, Ord. #2014-22, June 2014, Ord. #2015-72, Nov. 2015, and Ord. #2017-03, March 2017)

**8-210. Restrictions on financial interests of beer permit holders.**

No brewer, wholesaler, or manufacturer of any of the beverages regulated by this chapter, nor any agent or agents of such brewer, wholesaler, or manufacturer shall be permitted to make any loan of money or furnish any fixtures of any kind or have any interest either directly or indirectly in the business of any retailer of such beverages, or in the premises occupied by any such retailer. No person holding and/or exercising an unexpired permit or license issued pursuant to this chapter shall while so doing convey or grant or contract to convey or grant any interest in the business located at the place named in said permit, or any interest in the premises or any property therein, to any brewer, wholesaler, or manufacturer of the beverages regulated by this chapter. No person holding and/or exercising an unexpired permit or license

issued pursuant to this chapter shall incur or contract any indebtedness or financial obligation to any brewer, wholesaler, or manufacturer of the beverages regulated by this chapter, except for the purchase of said beverages. No permit or license shall be granted under this chapter to any applicant who, at the time of making application, is indebted or financially obligated to any such brewer, wholesaler, or manufacturer, except for the purchase of said beverages in the case of applicants seeking renewal of permits. (1985 Code, § 2-211, as replaced by Ord. #2006-05, Jan. 2006)

**8-211. Restrictions upon issuance of off-premises beer permits.**

Permits for the off-premise sale of beer shall be issued according to the following classes and limitations, except that this provision shall not be applicable to the renewal of any permit existing and outstanding as of October 6, 1987 (the date this section was replaced).

(1) Off-premise where beer is sold at a grocery store. Grocery store shall mean a business establishment whose primary business is the retail sale of food merchandise and household items. There shall be no limitation on the number of beer permits issued to grocery stores. Such a permit may include permitting beer sold in growlers or containers purchased expressly by customers to be filled for purchase of beer on tap to be taken from the grocery store for consumption off-premise.

(2) Off-premise where beer is sold at a convenience store or market. Convenience store or market shall mean a business establishment whose business is the retail sale of gasoline and petroleum products and food merchandise, household supplies and sundries. Beer shall not be sold for consumption on the premises of convenient stores or markets. There shall be no limitation on the number of beer permits issued to convenient stores or markets.

(3) Off-premise where beer is sold at a package store. Package store shall mean a business establishment whose primary business is the sale of sealed-packaged beer to be consumed off the premises. There shall be not more than one (1) permit issued to package stores for every two thousand (2,000) population, or fraction thereof, according to the latest official census of the City of Maryville.

(4) Off-premise where beer is sold at a drug store. Drug store shall mean a business establishment whose primary business is the retail sale of pharmaceuticals, food merchandise, household items, and sundries. Beer shall not be sold for consumption on the premises of drug stores. There shall be no limitation on the number of beer permits issued to drug stores.

(5) Off-premise where beer is sold at the site of the manufacturer. Manufacturer shall mean a business establishment whose business is the manufacture of beer for on-premise or off-premise consumption. There shall be no limit on the number of beer permits for manufacturers.

(6) Off-premise where craft beer is sold by a craft beer retailer. A craft beer retailer shall mean a business whose primary business is the retail sale of craft beer. There shall be no limit of permits for craft beer retailers. Craft beer

means beer as defined in this chapter that is further manufactured by breweries with an annual production of six million (6,000,000) barrels of beer or less. (1985 Code, § 2-212, as amended by Ord. #99-32, Sept. 1999, replaced by Ord. #2006-05, Jan. 2006, and amended by Ord. #2012-24, Sept. 2012, Ord. #2014-22, June 2014, Ord. #2015-72, Nov. 2015, and Ord. 2017-03, March 2017)

**8-212. Selling or otherwise dispensing beer to persons in motor vehicles.** The beverages regulated by this chapter shall not be sold, given away, served, or otherwise dispensed to persons in automobiles or other motor vehicles except where (1) the beverages are sold in package form for consumption off premises and (2) beer or intoxicating liquors in any form are not consumed or sold for consumption on premises where the drive thru is located. (1985 Code, § 2-213, as amended by Ord. #2002-32, Oct. 2002 and replaced by Ord. #2006-05, Jan. 2006)

**8-213. Restrictions pertaining to minors.** No person under the age of eighteen (18) years shall be permitted to serve beer for on premises consumption. No person under the age of eighteen (18) years shall be permitted to sell, handle, key in to a cash register, or scan into a cash register beer or intoxicating liquors for off premise consumption. No person under eighteen (18) years of age shall check identification of those attempting to purchase beer or intoxicating liquors for off premise consumption. (1985 code, § 2-214, deleted by Ord. #2004-41, Nov. 2004, replaced by Ord. #2006-04, Jan. 2006, and amended by Ord. #2015-16, Feb. 2015)

**8-214. [Deleted.]** (1985 Code, § 2-215, replaced by Ord. #2006-05, Jan. 2006, and deleted by Ord. #2015-16, Feb. 2015)

**8-215. Selling or otherwise dispensing beer to persons without valid permits or to persons engaging in unlawful practices prohibited.** It shall be unlawful for any person, firm, co-partnership, corporation, syndicate, joint stock company, association or other group operating as a unit, who or which holds and/or exercises a distributor's or wholesaler's permit under this chapter, to sell, give away, deliver or distribute any of the beverages regulated by this chapter to any person, firm, co-partnership, corporation, syndicate, club, joint stock company, association, or other group operating as a unit, in the City of Maryville, who or which does not hold a valid retailer's permit issued pursuant to this chapter, or to permit or allow any agent or employee to do so. Provided, further, that it shall also be unlawful for any such distributor or wholesaler knowingly to sell, give away, deliver, or distribute such beverages to any such retailer who has violated or is violating any of the provisions of this chapter, or to permit or allow any agent or employee to do so. (1985 Code, § 2-216, as replaced by Ord. #2006-05, Jan. 2006)

**8-216. Revocation of beer permits.** The Maryville Beer Board is hereby empowered and directed, whenever from facts and evidence presented to it at a hearing hereinafter provided for it is of opinion that such action is justified in the public interest, to revoke or suspend any permit or license issued pursuant to this chapter to any person, firm, co-partnership, corporation, joint stock company, syndicate, association or group operating as a unit, who:

- (1) Makes any material misrepresentation or false statement in the application upon which the permit is based, or fails to keep and maintain as true any promise or fact set forth in said application; or
- (2) Violates any of the provisions of this chapter; or
- (3) Is convicted of any violation of the laws of the United States or of the State of Tennessee or of the ordinances of any city prohibiting the manufacture, sale, possession, storage or transportation of alcoholic beverages as defined in this title; or
- (4) Knowingly permits or allows, or negligently fails to prevent, the violation of any of the aforesaid laws or ordinances against said intoxicating liquors upon any premises occupied or owned by or under the control of the licensee.

Upon any complaint being made to the said board by one or more reputable citizens that any of the acts above-mentioned in this section has been committed or any other provision of this chapter has been or is being violated by a person holding and/or exercising a permit issued pursuant to this chapter or when it shall appear that the premises of any permit holder are being maintained and operated in such manner as to be detrimental to the public health, safety or morals, or when said board has knowledge of any such act or violation, the holder of said permit shall be notified in writing by the secretary of the board and afforded an opportunity for a hearing before the board. Said notice shall be mailed, at least five (5) days before the hearing, to the address shown upon the application for a permit, shall state the nature of the complaint or violation, and shall direct the holder of said permit to appear before the board at a time and place specified and show cause, if any he has, why his permit should not be revoked or suspended. The hearing shall be broad in character, and evidence may be heard upon any facts or circumstances pertinent to or applicable to the violation charged. The reputation or character of the place and of the holder of the permit complained of shall be material and competent evidence for the consideration of the board at such hearing.

Whenever complaint is made charging that false statements or misrepresentations have been made in any application for a permit under this chapter, the burden of proof shall be upon the holder of the permit to establish the truth of the statement charged to be false. Provided that no formal complaint shall be necessary or required whenever the falsity of such statement or representation, or the commission of any of the acts above-mentioned in this section, or the violation of any other provision of this chapter, may be made to appear by the records of any court of competent jurisdiction; and in such case

such records or duly certified copies thereof shall be conclusive evidence of the falsity or misrepresentation or of the commission of said act or of said violation.

The beer board may further fine a permit holder for any violation or may, in its discretion, offer the permit holder the alternative of paying a civil penalty as provided by state law.

Provided, further, that no person, firm, co-partnership, corporation, joint stock company, syndicate, association, or other group operating as a unit, whose permit and license are revoked by said board shall be eligible to make application for or be granted another permit under this chapter for a period of ten (10) years from the date said revocation becomes final.

Provided, further, that when a permit and license are revoked by said board pursuant to this chapter no new permit or license shall be issued for the same premises until the expiration of one (1) year from the date said revocation becomes final and effective. The beer board, in its discretion, may determine that the issuance of a license or permit before the expiration of one (1) year from the date of the revocation becomes final is appropriate, if the individual applying for such issuance is not the original holder of the license or any family member who could inherit from such individual under the statutes of intestate succession.

The secretary shall notify the Blount County Beer Committee of the revocation of any permit under this chapter. (1985 Code, § 2-217, as replaced by Ord. #2006-05, Jan. 2006, and amended by Ord. #2017-03, March 2017)

**8-217. Inspection of beer businesses.** The police officers of the City of Maryville 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 of Maryville for any law violations. (1985 Code, § 2-218, modified, as replaced by Ord. #2006-05, Jan. 2006)

**8-218. Violations and fines.** Any violation of the provisions of this chapter shall be punishable by the beer board against the applicable permit holder to the full extent authorized by this ordinance and by state law and against individual violators under the general penalty clause of this code. (1985 Code, § 2-219, as replaced by Ord. #2006-05, Jan. 2006)

**8-219. Special events permits.** (1) The Maryville Beer Board is hereby authorized and empowered in its discretion to permit the retail sale or free distribution of beer for on-premise consumption on public property within approved special event zone 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 Maryville Beer Board may establish which are not inconsistent with state law regulating the sale of beer. No special event permit shall exceed a duration of forty-eight (48) hours.

(2) Such sales or the distribution of beer shall be done in accordance with the requirements of this chapter except for provisions relating to obtaining a permit.

(3) Any bona fide charitable, non-profit or political organization conducting a special event within the city in which beer is contemplated to be sold or given away (but not under any other permit or exception issued under this chapter) shall apply for a special event permit at least forty-five (45) days in advance of such proposed special event in writing to the Maryville Beer Board through the City Recorder. No more than two (2) applications will be considered per year per organization. An application fee of \$250.00 must be submitted with the application.

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 the proposed event,
- (c) The address and telephone number of all individual applicants with the name, address and telephone number of a contact for corporate applicants,
- (d) The identity of any persons, establishments or entities which are contemplated to participate in dispensing beer at locations other than their usual premises along with a copy of the current beer permit(s) for such participant vendor(s). Vendors of beer for the purpose of special events permits only must have a valid beer permit issued by a governmental entity somewhere in the United States,
- (e) The specific location where the beer is to be sold outside the premises of an establishment for which a beer permit previously has been issued,
- (f) The specific parameters of the special event area,
- (g) The anticipated number of persons attending such event,
- (h) Applicant's Certificate of Insurance for the special event,
- (i) A signed statement allowing the Maryville Beer Board to run a background check on criminal records of applicant's CEO or executive director or person in a similar position if such applicant is not already in possession of a beer permit, and
- (j) Any plans for proposed temporary closure of public rights-of-way,
- (k) Plans for security and policing the event, and
- (l) Any other requirements deemed necessary by city staff.

(4) Upon receipt, the proposed application for a special event permit shall be placed on the Maryville Beer Board agenda at its next regularly scheduled meeting following the receipt of the notice. An applicant shall send a representative to such Maryville Beer Board meeting to address any questions or issues arising out of the proposed special event.

(5) A special event permit shall state on its face the name of the holder of the permit, the name of any related vendor(s) of beer, the (respective) permit

number(s) of the vendor(s) of beer and the specific location, times and date 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 participant vendor's regular beer permit(s) must be displayed at each location where beer is sold by such vendor. (as added by Ord. #2000-02, Jan. 2000, deleted by Ord. #2001-10, April 2001, and replaced by Ord. #2013-04, March 2013, and Ord. #2017-14, May 2017)

**8-220. No permit required for certain private events.** No permit under this chapter shall be required for persons distributing, possessing or receiving beer as defined in this chapter in their private home or business on their private property when not open to the general public so long as no charge is assessed to the person for receiving said beverage and no charge is assessed for attending the event. (as added by Ord. #2004-41, Nov. 2004, deleted by Ord. #2006-05, Jan. 2006, and replaced by Ord. #2009-20, May 2009, and Ord. #2017-03, March 2017)

**8-221. Caterer permits.** Beer may be sold, stored, dispensed and served in the city limits pursuant to a validly issued caterer's license. "Caterer" shall mean a business engaged in offering food and beverage service for a fee at various locations and which:

- (1) Operates a permanent catering hall;
- (2) Has a complete and adequate commercial kitchen facility; and
- (3) Is licensed as a caterer by the Tennessee Department of Health.

Each catered event must include food as at least fifty percent (50%) of the total expenditures in addition to beer and alcoholic beverages. A caterer's permit may be issued to any person, corporation, limited liability company or other business that has obtained a caterer's license from the Tennessee Alcoholic Beverage Commission for the sale and consumption of wine and other alcoholic beverages pursuant to Tennessee Code Annotated, chapter 4, title 57. The caterer must be engaged in the sale or service of beer where beer is to be consumed by the customer or his or her guests upon the premises of the catered event site. Should the holder of a caterer's permit cease to hold a valid caterer's license from the state alcoholic beverage commission, such caterer's permit pertaining to beer shall automatically be revoked. A caterer's permit holder shall be required to give advance written notice to the beer board via facsimile, to a designated city e-mail, U.S. Mail, or personal delivery received by the city not later than ten (10) days prior to each catered event for which beer will be sold and/or consumed. Such notice shall include, but not be limited to, the date, time and location of the event and be on a form provided by the city. Any foreseen violation of this chapter will entitle the beer board and/or its designee to prevent the use of the caterer's permit for a certain event. No caterer's permit shall be valid for the sale and consumption of beer on any premises for where an on-premise retail permit has been revoked within the past twelve (12) month period. A caterer's permit cannot be used to operate a "food truck" out of which sales of beer are



made. A caterer's permit shall only be valid for up to a three (3) consecutive day period of time at any single location within a one (1) week period. No caterer's permit shall be used for the sale and consumption of beer on any premises owned or leased by a person, firm, corporation, limited liability company, or association having at least a five percent (5%) ownership interest in the establishment that has had an on-premise retail permit revoked within the past twelve (12) month period. No caterer's permit shall be valid for the sale or consumption of beer on any premises within one hundred fifty feet (150') of any church or public school, as measured on a straight line from the nearest property line of said church or public school to the nearest point of the premises where beer is sold or consumed except that this provision shall not be applicable to permits located within the central business district, the central transition zone, the Washington Street commercial corridor, and the high intensity commercial zoning district of the City of Maryville. (as added by Ord. #2014-27, Sept. 2014)

**8-222. Special event permits.** The beer board is hereby authorized and empowered in its discretion to issue a special event permit allowing for the sale of beer within certain city sponsored or co-sponsored special events within the physical parameters of the special event zone during the time of the special event if otherwise provided by resolution of the city council pursuant to title 8, chapter 5 of the city code. A special event permit shall issue for such sale pursuant to the provisions of this chapter. The sale of beer under such special event permit shall be under such terms, conditions, rules and regulations as the beer board may establish which are not inconsistent with state law regulating the sale of beer.

Any person applying for a special event permit shall provide in the application for the permit a copy of its current valid permit to manufacture beer and/or sell beer at another location in the United States. Such license or permit shall be valid and in place at the time of application and at the time of the special event where beer is contemplated to be sold pursuant to the special event permit. Any persons selling beer pursuant to this part shall comply with this chapter unless otherwise indicated as well as all other laws regarding the sale of beer in effect in the State of Tennessee. The location and duration of the permit shall be noted on the face of the permit as determined by the beer board. The city recorder may require such additional releases, affidavits and information as deemed appropriate as part of the application for a special event permit. (as added by Ord. #2015-31, April 2015)

## CHAPTER 3

### LIQUOR STORES

#### SECTION

- 8-301. Definitions.
- 8-302. Selling and distributing generally.
- 8-303. Licenses required for sale of alcoholic beverages at retail.
- 8-304. Licensee responsible for officers and agents.
- 8-305. Location of liquor store.
- 8-306. Limitations on building containing liquor store.
- 8-307. Restrictions generally.
- 8-308. Fees.
- 8-309. Records kept by licensee.
- 8-310. Inspections generally.
- 8-311. Enforcement.
- 8-312. Certificate of compliance.
- 8-313. Application.
- 8-314. Consideration.
- 8-315. Restrictions upon issuance.
- 8-316. License from city to operate liquor store.
- 8-317. Restrictions on local liquor retailer's licenses.
- 8-318. Restrictions upon licensees and employees.
- 8-319. Nature of license; suspension or revocation.

**8-301. Definitions.** Whenever used in this title, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Alcoholic beverage." Alcoholic beverage means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent by weight or less. Products or beverages including beer containing less than one-half percent alcohol by volume, other than wine as defined in this section, shall not be considered alcoholic beverage and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(2) "Applicant." A person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(3) "Applicant group." More than one person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(4) "Application." The form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain

a local liquor store privilege license or certificate of compliance, as the context provides.

(5) "Certificate of compliance." The certificate required in 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.

(6) "City." The city is the City of Maryville, Tennessee.

(7) "Co-licensees." Persons who together hold a single local liquor store privilege license for a single liquor store.

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

(9) "Inspection fee." The monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross sales of a licensee at a liquor store. In the event of co-licensees holding a local 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.

(10) "Local liquor store privilege license." A local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a 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. One local liquor store privilege license is necessary for each liquor store to be operated in the city.

(11) "License fee." 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. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one license fee is required.

(12) "Licensee." 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.

(13) "Liquor store." 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 license held by such licensee.

(14) "Manufactured." A structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation.

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

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

(17) "State law, rules and regulations." All applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now

in effect or as they may hereafter be changed including, without limitation, the Local Option Liquor Rules and Regulations of the Tennessee Alcoholic Beverage Commission.

(18) "State liquor retailer's license." A license issued by the alcoholic beverage commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201 et seq. permitting its holder to sell alcoholic beverages at retail in Tennessee.

(19) "Wholesaler." Wholesaler means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(20) "Wine." Wine means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climactic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed 21 percent by volume. (as added by Ord. #2001-28, Aug. 2001)

**8-302. Selling and distributing generally.** It shall be unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this title. (as added by Ord. #2001-28, Aug. 2001)

**8-303. Licenses required for sale of alcoholic beverages 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 provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting him or her to sell alcoholic beverages at retail. Transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited. (as added by Ord. #2001-28, Aug. 2001)

**8-304. 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. (as added by Ord. #2001-28, Aug. 2001)

**8-305. 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 in a zone permitting such business. The zoning districts where liquor stores are permitted to be located in the city are as follows: Business and Transportation District, High Intensity District, Washington Street Commercial Corridor, Central Business District, and Central Business Support Zone. Such liquor store shall not be located within 150 feet of any church, school, public library or public park as measured along a straight line from the nearest property line of any such establishment 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. (as added by Ord. #2001-28, Aug. 2001)

**8-306. Limitations on building containing liquor store.** All liquor stores shall be a permanent type of construction in a material and design approved by city council. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night light 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 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, building, life safety and city land development regulations unless specifically stated otherwise herein. (as added by Ord. #2001-28, Aug. 2001)

**8-307. 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 give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before eight o'clock in the morning or after eleven o'clock at night. No liquor store shall be open for business on Christmas, Thanksgiving, New Year's Day, Labor Day or the Fourth of July.

(3) Deleted.

(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.

(5) Advertising. 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 Maryville Municipal Code (Zoning and Land Use Control), § 14-218 Signs.

(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 paragraph 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. (as added by Ord. #2001-28, Aug. 2001, and amended by Ord. #2004-41, Nov. 2004, and Ord. #2011-14, April 2011)

**8-308. 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 city council,<sup>1</sup> on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale 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 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 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 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.

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<sup>1</sup>Ordinances setting the inspection fees are of record in the office of the city recorder.

(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 city council, 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 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 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 city council 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. (as added by Ord. #2001-28, Aug. 2001)

**8-309. 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 set of records per liquor store satisfies the requirements of this part. (as added by Ord. #2001-28, Aug. 2001)

**8-310. Inspections generally.** The city manager, the city recorder, the city finance director, the chief of police or the authorized representatives or

agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending license. (as added by Ord. #2001-28, Aug. 2001)

**8-311. Enforcement.** Any violation of the terms of this chapter shall be punishable under the city's general penalty clause and, in the discretion of the city council, by any combination of a fine of up to \$500.00 per violation, or temporary suspension or permanent revocation of the local liquor store privilege license where appropriate. Enforcement provisions are also applicable as found under the state law. (as added by Ord. #2001-28, Aug. 2001)

**8-312. Certificate of compliance.** As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, city council may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (as added by Ord. #2001-28, Aug. 2001)

**8-313. 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 city council 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 Blount County, 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 of the members of the applicant group has been a resident of Blount County, 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 equals twenty feet 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 whether they 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 150 feet 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 any 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 city council. 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 city council.

(5) Fees. Each application shall be accompanied by a non refundable \$300.00 investigation fee. One application fee per applicant group is sufficient. (as added by Ord. #2001-28, Aug. 2001)

**8-314. Consideration.** In issuing certificates of compliance (which shall total no more than three (3) in the corporate limits), the city council 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 the qualifications required by law and the most suitable circumstances for the lawful operation of the liquor store without regard to the order of time in which the applications are filed. Such persons and only such persons shall receive certificates of compliance issued by the city. 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 open for business. At that time, all pending applications which did not result in the granting of a certificate of compliance after consideration by city council will expire and be disposed of by the city. Applications can only be submitted to the city during the time frame the city council has set for receipt of such applications. Applications and all matters submitted with or as part of such applications at the time they are submitted are the sole and exclusive property of the City of Maryville and constitute public records open to public inspection. If an additional certificate of compliance is made available by council adding to the number of liquor stores, the application process for the additional certificate of compliance shall not affect adversely any previous holder of a local liquor retailer's license and such previous holder's license shall remain in full force and effect. (as added by Ord. #2001-28, Aug. 2001, and amended by Ord. #2006-43, Nov. 2006, and Ord. #2016-21, Oct. 2016)

**8-315. Restrictions upon issuance.** (1) Additional certificates of compliance. The city council 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 city council 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 city council as a suitable location for the operation of a liquor store; and
- (c) The application has been considered at a public meeting of the city council and approved by a vote of at least three 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 city council, within six 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. (as added by Ord. #2001-28, Aug. 2001)

**8-316. 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. (as added by Ord. #2001-28, Aug. 2001)

**8-317. Restrictions on local liquor retailer's licenses.**

(1) Maximum number of licenses. No more than three (3) local liquor store privilege licenses for the sale of alcoholic beverages at liquor stores shall be issued under this chapter representing no more than three (3) liquor stores and no more than three (3) certificates of compliance issued in the city.

(2) Term renewal. Each license shall expire on December 31<sup>st</sup> 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 license or any interest therein to any other person. No license shall be transferred from one location to another location without the express permission of city council.

(5) Fees. A license fee of \$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. (as added by Ord. #2001-28, Aug. 2001, and amended by Ord. #2006-43, Nov. 2006, and Ord. #2016-21, Oct. 2016)

**8-318. Restrictions upon licensees and employees.** (1) Initial qualifications. To be eligible to apply for or to receive a 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 liquor retailer's license.

(2) Public officers and employees. No license shall be issued to 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 or 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 intoxicating liquors or beer 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 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 liquor store licensed under this title in the City of Maryville. (as added by Ord. #2001-28, Aug. 2001)

**8-319. 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 city council for any violation of this title by the licensee or by any person whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the city council 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 city council 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. (as added by Ord. #2001-28, Aug. 2001)

## CHAPTER 4

### PROOF OF AGE

#### SECTION

- 8-401. Identification required prior to the sale of beer or alcoholic beverages.
- 8-402. Signs required.
- 8-403. Exception; on premises consumption permit holders.
- 8-404. Exception; persons 60 years of age or greater.
- 8-405. Violation and penalty.

**8-401. Identification required prior to the sale of beer or alcoholic beverages.** Any person selling beer or alcoholic beverages within the corporate limits of the City of Maryville, Tennessee shall be required to have produced to him or her a facially valid government issued identification showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one years of age or older. If such identification is not produced by the prospective purchaser, the beer or alcohol beverages shall not be sold. Such identification shall be required prior to the sale of beer or alcoholic beverages regardless of the apparent age of the prospective purchaser. The identification provided shall be a document issued by a state governmental agency. (as added by Ord. #2002-29, Sept. 2002)

**8-402. Signs required.** Any establishment within the corporate limits of the City of Maryville, Tennessee which sells beer or alcoholic beverages shall prominently display on the premises a sign not less than 6 inches high and 10 inches wide reading: "A minor attempting to purchase alcoholic beverages will be prosecuted to the fullest extent of the law." Such establishment shall further prominently display a sign not less than 6 inches high and 10 inches wide reading: "Any person selling beer or alcoholic beverages within the corporate limits of the City of Maryville, Tennessee shall be required to have produced to him or her a facially valid government issued identification showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one years of age or older. If such identification is not produced by the prospective purchaser, the beer or alcohol beverages shall not be sold. Such identification shall be required prior to the sale of beer or alcoholic beverages regardless of the apparent age of the prospective purchaser. The identification provided shall be a document issued by a state governmental agency."

Signs required under this part shall be purchased by each license holder of any beer, liquor or alcoholic beverage sales license in the City of Maryville at a reasonable price from the City of Maryville. Signs must be posted within 90 days of the final passage of this chapter.<sup>1</sup> It will not be a violation of this section

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<sup>1</sup>This chapter passed final reading September 3, 2002.

to fail to post such signs until 90 days thereafter. (as added by Ord. #2002-29, Sept. 2002)

**8-403. Exception; on premises consumption permit holders.** Any holder of a permit allowing on premises consumption of beer or alcoholic beverages in the city limits shall be permitted to serve beer or alcoholic beverages to a person without seeing identification provided in § 8-401 of this chapter if in the discretion of a manager on the premises a person wishing to purchase such beverages beyond a reasonable doubt is twenty one years of age or older. (as added by Ord. #2002-29, Sept. 2002)

**8-404. Exception; persons 60 years of age or greater.** Any person showing state issued identification proving that their age is sixty (60) 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 the state issued identification which does not include a photograph. (as added by Ord. #2002-36, Nov. 2002)

**8-405. Violation and penalty.** Violation of any part of this chapter alone shall not subject a permit holder to revocation of his or her beer permit or permit to sell liquor or alcoholic beverages as issued by the City of Maryville. Penalties for violation of this chapter shall be as follows:

First offense:           Written warning to permit holder and person who failed to require presentation of identification as set forth herein, if appropriate.

Second offense:       Up to \$200 fine by beer board to permit holder and up to \$50 fine in city court for person who failed to require presentation of identification as set forth herein, as appropriate.

Third offense:         Discretion of beer board and city court as appropriate.

(as added by Ord. #2002-29, Sept. 2002)

## CHAPTER 5

**CERTAIN SPECIAL EVENTS ALLOWING FOR CONSUMPTION AND  
POSSESSION OF ALCOHOLIC BEVERAGES AND/OR BEER  
ON PUBLIC PROPERTY**

**SECTION**

8-501. Public consumption and possession of alcoholic beverages and/or beer permitted on public property in downtown area in the special event zone in certain defined parameters during city sponsored or co-sponsored special events.

8-502. Definitions.

8-503. Violation.

**8-501. Public consumption and possession of alcoholic beverages and/or beer permitted on public property in downtown area in the special event zone in certain defined parameters during city sponsored or co-sponsored special events.** It shall be lawful for any person to consume and possess alcoholic beverages and/or beer on public property in the downtown area during special events within the special event zone if the person is otherwise legally permitted to possess and consume alcoholic beverages and/or beer if such consumption is expressly approved by city council for the special event. Such person who consumes and possesses alcoholic beverages and/or beer if permitted by city council on public property will not be considered in violation of city code provisions that otherwise prohibit public possession and consumption of alcoholic beverages and beer so long as such activity is within the physical parameters of the special event zone during a permitted special event. Alcoholic beverages and beer consumed or possessed during a special event in a special event zone on public property shall be consumed in a plastic container. There shall be no glass containers of alcoholic beverages or beer permitted on public property during a special event in a special event zone. (as added by Ord. #2013-06, March 2013, and replaced by Ord. #2015-32, April 2015)

**8-502. Definitions.** For the purposes of this chapter, the following words shall have the meanings described:

(1) "Alcoholic beverages" is defined to include alcohol, spirits, liquor, wine, high alcoholic content beer, and every liquid containing alcohol, spirits or wine capable of being consumed by a human being other than patented medicine or beer as defined below.

(2) "Beer" means beer, ale or malt beverages or any other beverage having an alcohol content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101; provided, however, 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.

(3) "Downtown area." The boundaries of the designated downtown area are as follows:

(a) Beginning at a point in the intersection of U.S. Highway 321 and Court Street and continuing along Court Street in a northwesterly direction to the bridge over Pistol Creek.

(b) Then following the course of Pistol Creek downstream in a northeasterly, northwesterly and southwesterly direction around the Maryville central business district to a point below the dam for the Greenbelt Lake where the creek abuts the right-of-way of McCammon Avenue.

(c) Then following McCammon Avenue in a southeasterly direction to its intersection with McGee Street.

(d) Then following McGee Street in a southwesterly direction to the southwestern property line of Maryville Towers.

(e) Then in a southeasterly direction along the property line of Maryville Towers, continuing in a southeasterly direction along Cates Street, and the extension of the Cates Street right-of-way to U.S. 321.

(f) Then in a northeasterly direction along U.S. Highway 321 to Court Street, being the point of beginning.

(4) "Public property" shall mean any property owned or maintained by the City of Maryville, Blount County, Tennessee, or any public utility within the geographical boundaries of the special event zone.

(5) "Special events" shall be an event sponsored or co-sponsored officially by the City of Maryville within certain times where possession and consumption of alcohol is permitted by the resolution providing for sponsorship or co-sponsorship of the special event within the special event zone in the downtown area. It shall be entirely within the discretion of the city council to approve or disapprove by resolution a special event to qualify as one that allows the public consumption and possession of alcoholic beverages or beer as set forth herein. All applications for such special event shall be made through the city special events coordinator who will then present the resolution to city council if the event meets the criteria for such city sponsored or co-sponsored special event or promulgated by the special events coordinator.

(6) "Special event zone." The special event zone shall be a defined area within the downtown area approved on a case by case basis and the resolution allowing the city sponsored or co-sponsored special event to take place where public consumption and possession of alcoholic beverages and/or beer is allowed during a special event. The city police will reasonably mark the special event zone with tape, sign age or otherwise to allow participants in the special event to know the parameters of the special event zone. The special event zone will be delineated by reference to the specific landmarks within the downtown area or by metes and bounds description in the resolution providing for the special

event. (as added by Ord. #2013-06, March 2013, and amended by Ord. #2015-32, April 2015, and Ord. #2017-03, March 2017)

**8-503. Violation.** Any person violating or interfering with the enforcement of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished under the general penalty clause of the municipal code. (as added by Ord. #2013-06, March 2013)

## CHAPTER 6

### SALE OF WINE IN RETAIL FOOD STORES

#### SECTION

- 8-601. Definitions.
- 8-602. License required for sale of wine in retail food stores.
- 8-603. Certificate of compliance.
- 8-604. Application for certificate of compliance.
- 8-605. Issuance of certificate of compliance; appeal.
- 8-606. Full and accurate disclosure required.
- 8-607. Expiration of certificate of compliance; new application.
- 8-608. Licensee responsible for officers and agents.
- 8-609. Enforcement.
- 8-610. Chapter not applicable to beer.

**8-601. Definitions.** Whenever used in this chapter, the following terms shall have the following meanings unless the context necessarily requires otherwise:

- (1) "Applicant" means a person applying for a certificate of compliance.
- (2) "Application" means the form or forms or other information an applicant is required to file with the city in order to attempt to obtain a certificate of compliance.
- (3) "Certificate" or "certificate of compliance" means the certificate required pursuant to Tennessee Code Annotated, § 57-3-806, 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.
- (4) "City" means the City of Maryville, Tennessee.
- (5) "License" means a license issued by the alcoholic beverage commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-803, as the same may be amended, supplemented or replaced.
- (6) "Licensee" means any person holding a license, as that term is defined in this chapter.
- (7) "Person" means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by the laws of the State of Tennessee.
- (8) "Retail food store" means an establishment that is open to the public and that derives at least twenty percent (20%) of its taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in Tennessee Code Annotated, § 67-6-228(a) and that has retail floor space of at least one thousand two hundred square feet (1,200 sq. ft.).
- (9) "At retail" means a sale to any person for any purpose other than for resale.
- (10) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, as further defined by Tennessee Code

Annotated, § 57-3-802(2), as the same may be amended, supplemented or replaced. (as added by Ord. #2016-10, March 2016)

**8-602. License required for sale of wine in retail food stores.** As of July 1, 2016, it shall be lawful for a licensee to sell wine at retail in a retail food store, provided that such sales are made in strict compliance with all applicable federal and state laws, rules, and regulations, and with the provisions of this chapter, and provided that such licensee has a valid and duly issued state license. (as added by Ord. #2016-10, March 2016)

**8-603. Certificate of compliance.** As a condition precedent to the issuance of a state license for the sale of wine in a retail food store, an applicant for a license shall first obtain a certificate of compliance from the city, pursuant to Tennessee Code Annotated, § 57-3-806. A certificate of compliance issued under this chapter shall be valid only for the premises proposed in the application, and any change of location of the business shall be cause for immediate nullification of the certificate. No certificate of compliance shall be issued for the sale of wine in a retail food store where such store would be a prohibited use under the city's zoning ordinance. (as added by Ord. #2016-10, March 2016)

**8-604. Application for certificate of compliance.** The application for a certificate of compliance shall be submitted in writing on the form furnished by the city recorder and shall contain the following information and whatever additional information the city may require:

(1) The name and street address of each person who will be in charge of or in control of the business, and a statement that the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application with the state alcoholic beverage commission and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application;

(2) The name and address of the proposed retail food store applying for a license, and a statement that the applicant or applicants have secured a location for the business, which complies with all zoning laws of the city;

(3) That the applicant or applicants have complied with this chapter and the applicable state laws on retail food store wine sales. (as added by Ord. #2016-10, March 2016)

**8-605. Issuance of certificate of compliance; appeal.** Upon verification that the applicant meets the requirements of Tennessee Code Annotated, § 57-3-806(b), the city mayor may issue the certificate without action by the city council. Alternatively, the city council may issue the certificate upon signature by a majority of its members. A failure on the part of the issuing authority to grant or deny the applicant's request for the certificate of

compliance within sixty (60) days of the written application shall be deemed a granting of the certificate. If an applicant is denied a certificate of compliance, the applicant may seek review of such denial by instituting an action in chancery court within sixty (60) days of the denial. (as added by Ord. #2016-10, March 2016)

**8-606. Full and accurate disclosure required.** Each application for a certificate of compliance under this chapter shall identify each person who is to be in actual charge of the business and, if a partnership, limited liability company or corporation, each executive officer or manager of the partnership, limited liability company or corporation and each individual in control of the business. For the purposes of this section, an individual who owns or have an ownership interest in at least fifty percent (50%) of the stock of a business is considered to be in control of the business.

Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a certificate, shall be a violation of this chapter. The city may refuse to issue a certificate if, upon investigation, the city finds that the applicant for a certificate has concealed or misrepresented any material fact or circumstance concerning the operation of the business, or if the interest of any person in the operation of the business is not truly stated in the application, or in case of any fraud or false statements by the applicant pertaining to any matter relating to the operation of the business. All information, written statements, affidavits, evidence or other documents submitted in support of an application are a part of the application. (as added by Ord. #2016-10, March 2016)

**8-607. Expiration of certificate of compliance; new application.** A certificate for the sale of wine in a retail food store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six (6) months of the date of the certificate, or if the retail food store for which a certificate was granted is not in operation within twelve (12) months following the issuance of the certificate; provided, however, that the mayor or a majority of the city council may, upon written request of the applicant, extend the expiration date of a certificate for up to three (3) additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this chapter are met at the time the new application is received. (as added by Ord. #2016-10, March 2016)

**8-608. 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. (as added by Ord. #2016-10, March 2016)

**8-609. Enforcement.** Any violation of the provisions of this chapter shall be punishable under the city's general penalty clause and, in the discretion of the city council, by a fine of up to fifty dollars (\$50.00) per violation or revocation of the certificate of compliance. The mayor may revoke a certificate of compliance, provided that the applicant or licensee may appeal the revocation to the city council, which may reverse the mayor's action by majority vote. Enforcement provisions are also applicable as found under the state law. (as added by Ord. #2016-10, March 2016)

**8-610. Chapter not applicable to beer.** No provision of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation, etc. or tax upon beer as defined in City Code § 8-201. (as added by Ord. #2016-10, March 2016, and amended by Ord. #2017-03, March 2017)