

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

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

- 1) "Alcoholic beverage" or "beverages" or "intoxicating liquors" means and includes alcohol, spirits, liquor, wine, high alcohol content beer and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being, other than patented medicine, beer or wine as defined in Tennessee Code Annotated 57-3-101 et seq. (Ord. #1438, Nov. 2018)
- 2) "City" means the City of Dickson, Tennessee.
- 3) "City council" refers to the City Council of the City of Dickson.

¹State law reference

Tennessee Code Annotated, title 57.

Municipal code reference

Authorization for police officers to investigate violation of Tennessee Code Annotated, § 57-4-204: § 6-

- 4) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.
- 5) "Person" means any natural person as well as any corporation, partnership, firm, or association.
- 6) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.
- 7) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

Words importing the masculine gender shall include the feminine and the neuter, and a singular shall include the plural. (1995 Code)

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

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any intoxicating liquor as defined in Tennessee Code Annotated 57-3-101 et seq. and no portion of this code related thereto is modified by this chapter. (Ord. #1438, Nov. 2018)

8-103. **State law controlling.** No person, firm, corporation, association, or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (1995 Code)

8-104. **Restrictions.**

- 1) No person or member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointive or elective, or who is a public employee either national, state, city, or county. It shall be unlawful for any such person to have any interest in such retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.
- 2) Age limit. No retailer or any employee thereof engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under said age on his place of business to engage in the sale of alcoholic beverages. Further, it shall be unlawful for any minor to misrepresent his age in purchasing or attempting to purchase alcoholic beverages.
- 3) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverages any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude or of any law regulating intoxicating liquors, and in the case an employee should be so convicted, he shall immediately be discharged.
- 4) Transfer on sale of license. The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued.
- 5) Restrictions cumulative. The provisions of this section shall be in addition to any other

restrictions or conditions which may be contained elsewhere in the provisions of this chapter. (Ord. #1438, Nov. 2018)

8-105. **Privilege license required.** The privilege license shall be levied on the business in accordance with the provisions of the "Business Tax Act" as enacted by the 87th General Assembly of Tennessee, by Chapter 387 of the Public Acts of 1971, as amended. (1995 Code)

8-106. **Regulation of retail liquor stores and retail food stores licensed to sell wine.**

- 1) No retailer shall, directly or indirectly, operate more than one (1) licensed retail business in this state. "Indirectly" means any kind of interest in such a retail business by way of stock ownership, loan, partner's interest or otherwise. A landlord shall be deemed to have an indirect interest in such a retail business when the lease agreement is based upon a percentage of profits or any other factor based upon sales of alcoholic beverages by the tenant as distinguished from being simply an interest in land for a period of time at a definite rate.
- 2) No retailer shall offer or make any discount in the sale or delivery of liquors in case quantities. No reduction in the standard price per case shall be made for sales in excess of one (1) case.
- 3) No retailer shall sell any alcoholic beverages to any person who is legally intoxicated, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is legally intoxicated.
- 4) No retailer shall sell any alcoholic beverages to a minor.
- 5) No retail establishment as defined in Tennessee Code Annotated 57-3-101 et seq. shall sell, give away, or otherwise dispense alcoholic beverages or wine except between the hours of eight o'clock a.m. (8:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Monday through Saturday and between ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday. (Ord. #1438, Nov. 2018)
- 6) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.
- 7) No retailer as herein defined shall own, store or possess upon the licensed premises any merchandise unless the retailer shall also possess such documentation to demonstrate that the taxes imposed in this chapter have been paid.
- 8) No retail establishment as defined in Tennessee Code Annotated 57-3-101 et seq. shall sell, give away or otherwise dispense alcoholic beverages or wine on Christmas day, Thanksgiving day or Easter. (Ord. #1438, Nov. 2018)

8-107. **Sales locations to conform to zoning laws.** It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Dickson unless the location of the liquor store shall be in either zone B-1, B-2, or B-3, as appears on the date of application on the official zoning map of the City of Dickson. In no event will a store be allowed when it is nine hundred fifty feet (950') to the nearest church or school. The distance to be measured is a straight line from the nearest corner of the store to the nearest corner of the church or school. Provided, further, that no certificate of good moral character shall be issued by the mayor and/or city council in any case until the location of said proposed liquor store has been approved by the city council. As a further limitation on the location of retail liquor stores for the sale of alcoholic beverages, no location for same shall be approved when in the opinion of the city council,

expressed by a majority vote thereof, the operation of such liquor store at the location would be inimical to the public interest. Existing stores with licenses are exempted from the provisions of this section. (1995 Code)

8-108. **Control of locations.** No retail liquor store shall be located except on the ground floor, and the store shall have one (1) main entrance opening on a public street and no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two (2) streets, such retail store may maintain a door opening on each of the public streets. All liquor stores shall be of a permanent type construction and no store shall be located in a mobile home or other movable type building. All buildings shall be in compliance with the state regulations for the operation of retail liquor stores. (1995 Code)

8-109. **Inspection fees.**

- 1) There is hereby levied an inspection fee of eight percent (8%) on the gross purchase price of alcoholic beverages purchased by retail dealers including the retail sale of wine in grocery stores in the City of Dickson for the purpose of resale.
- 2) Collection. The inspection fee shall be collected by the wholesaler and transmitted to the city tax collector not later than the 20th day of each month for the preceding month. (1995 Code, modified)

8-110. **Contents of application for certificate of compliance.** Each applicant for a certificate of compliance shall file an application for same on a form provided by the City of Dickson. Such application shall be accomplished by instructions thereon. A copy of each application form, questionnaire, partnership agreement, or any other form or material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this application shall be attached to the city application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The application form shall be signed and verified as required by state law. (Ord. #1438, Nov. 2018)

8-111. **Issuance of certificate of compliance.** A certificate of compliance shall be signed by the mayor or a majority of the city council while in session and conditioned upon the applicant(s) fulfilling the following requirements:

- (1) The applicant or applicants who are to be in actual charge of the business, including any person who holds at least five (5) percent interest in a corporation or partnership, shall not have:
 - a. Felony or misdemeanor convictions within eight (8) years of date of the application related to selling, dispensing, possessing, transporting, storing, manufacturing, or otherwise handling alcoholic beverages or beer; or
 - b. Felony or misdemeanor convictions within eight (8) years of date of the application related to the revenue laws governing alcoholic beverages or beer or any other tax-related offense; or
 - c. Felony or misdemeanor convictions within eight (8) years of date of the application related to selling, dispensing, or manufacturing Schedule I or II controlled substances or controlled substance analogues; or
 - d. Felony convictions within eight (8) years of date of the application involving theft, dishonesty, deceit, or intoxication; or

- e. Class A, B, or C felony convictions not defined under Tennessee Code Annotated Title 39, Chapter 17, Part 4; or
 - f. Felony convictions for which the offender must register under the Tennessee Animal Abuser Registration Act of TCA Title 40, Chapter 39, Part 1; or
 - g. Felony convictions for which the offender must register under the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 of TCA Title 40, Chapter 39, Part 2 or 3.
- (2) The location of the business for which the Certificate of Compliance is being sought complies with all applicable zoning ordinances and the building complies with all building codes.
 - (3) An owner of a retail liquor store or retail food store licensed to sell wine cannot be a public employee, either state, city, local or county, or hold any elected office within the municipality holding jurisdiction over the location of the business, unless the owner is an uncompensated appointee to a municipal board or commission where he has no duty to vote for, overlook or superintend the sale of alcoholic beverages.
 - (4) No applicant can have any interest, either direct or indirect, in any other retail liquor store, wholesale license, or liquor by the drink license.
 - (5) For any applicant or applicants acquiring the right to purchase from an existing licensee and transferring the license to another location, that the new location is not within one thousand five hundred feet (1,500') of another location engaged in the retail sale of alcoholic spirituous beverages and is located within the same jurisdiction wherein the transferor premises was located.

Following the filing of any application, the City of Dickson, at the applicant's expense, may direct such investigation of the contents of the application as it deems proper. (Ord. #1438, Nov. 2018)

8-112. **No restrictions on number of stores.** There shall be no restriction on the number of stores for the sale of alcoholic beverages as herein defined. (1995 Code)

8-113. **Processing applications.**

- 1) Applications for renewal of license by the licensee will be processed in the same manner and under the same conditions as a new application.
- 2) Application for employee's permit to serve as an employee in the place of business of a retail liquor store under the provisions of Tennessee Code Annotated, § 57-3-204, shall submit the name of such employee to the chief of police. (1995 Code)

8-114. **Advertising.** All advertising shall comply with the City of Dickson Municipal Sign Ordinance. (Ord. #1144, May 2004)

8-115. **Certificate revoked by non-use.** Any applicant who has obtained a certificate of compliance from the mayor and a majority of the city council, as provided herein above, must within six (6) months open a store for the retail sale of alcoholic beverages to the public or said certificate of compliance will be automatically revoked by the passage of said time. A certification thereof will be forwarded immediately to the Alcoholic Beverage Commission of the State of Tennessee, and the license issued to said applicant shall be considered to have been canceled and revoked. (Ord. #1438, Nov. 2018)

8-116. **Consumption of liquor in certain places unlawful.** It shall be unlawful for any person or persons to drink whiskey, liquor, wine, and every liquid containing alcoholic spirits as defined pursuant to Tennessee Code Annotated, § 57-5-101, while riding in or driving a motor vehicle, in a park, road, a public place, a public place being defined as any park, street, roadway, or right-of-way for same, or any private property which is used for public parking.

Where any person or persons are observed with open bottles or containers of any kind containing whiskey or any of the above defined substances, there shall be a prima facie case that the occupants of said vehicle, or the other places defined herein, have been drinking from such containers. (1995 Code, § 8-117)

8-117. **Privilege tax on selling at retail alcoholic beverages for consumption on the premises.** The City of Dickson, Tennessee is authorized to collect privilege taxes from those who engage in the business of selling at retail alcoholic beverages for consumption on the premises pursuant to Tennessee Code Annotated, § 57-4-301. (1995 Code, § 8-118)

8-118. **Violations and penalty.** Any violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by fine in accordance with the general penalty clause for this code. In such instances, it shall be mandatory for the city judge immediately to certify said conviction, whether appealed or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions of the Tennessee Code Annotated, §§ 57-3-101 through 57-3-412, and the rules and regulations of said commission. (Ord. #914, Nov. 1995, § 8-116)

CHAPTER 2

BEER¹

SECTION

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- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
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- 8-206. “Beer” defined.
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- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
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- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits to persons convicted of certain crimes prohibited.
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- 8-214. Revocation or suspension of beer permits; responsible vendors.
- 8-215. Civil penalty in lieu of revocation or suspension.
- 8-216. Loss of clerk’s certification for sale to minor.
- 8-217. Violations and penalty.

8-201. **Beer board established.** A beer board to be composed of the mayor and all the members of the city council is established. The mayor shall be the presiding officer of the beer board. (Ord. #1244, Dec. 2007)

8-202. **Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at times as it shall prescribe. The mayor may call a special meeting of the beer board provided that the mayor gives reasonable notice to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #1244, Dec. 2007)

8-203. **Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be public record and shall contain at least the following:

- 1) The date of each meeting;
- 2) Names of the board members present and absent;
- 3) Names of the members introducing and seconding motions and resolutions before the board;
- 4) A copy of each written motion or resolution presented;

¹State 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).

- 5) The vote of each member;
- 6) The provisions of each beer permit issued by the board; and
- 7) Information regarding any other action of the board. (Ord. #1244, Dec. 2007)

8-204. **Requirements for beer board quorum and action.** A majority of the members of the beer board constitutes a quorum for transacting business. Any action of the board requires a majority of the members voting if there is a quorum. (Ord. #1244, Dec. 2007)

8-205. **Powers and duties of the beer board.** The beer board shall regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter and other applicable law. (Ord. #1244, Dec. 2007)

8-206. **"Beer" defined.** The term "beer" as used in this chapter shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101, et seq. (Ord. #1404, April 2017)

8-207. **Permit required for engaging in beer business.**

- 1) The applicant for a beer permit shall submit an application on such form as the city may require and shall submit within the application a non-refundable fee in the amount of two hundred fifty dollars (\$250.00). The applicant shall disclose the following in its application for a beer permit:
 - a) Name of the applicant;
 - b) Name of the applicant's business;
 - c) Location of the business by street address or other geographical description sufficient to permit an accurate determination of conformity with the requirements of state law and this chapter;
 - d) Persons or business entities having at least a five percent (5%) ownership interest in the applicant business, and, if a business entity owns at least a five percent (5%) ownership interest in the applicant business, the owners of at least a five percent (5%) ownership interest in such business entity shall also be disclosed;
 - e) Identity and address of a representative to receive annual tax notices and any other communications from the beer board;
 - f) The class of permit being requested and an acknowledgment that if the applicant desires to change the method of sale or operation in the future a new application shall be submitted to the beer board requesting a new permit;
 - g) Such other relevant information as may be required from time to time by the beer board. An applicant or permit holder shall be required to amend or supplement the application promptly if a change in circumstances affects the responses provided in the application; and
 - h) The applicant's certification that he has read and is familiar with all provisions of this chapter.
- 2) Any applicant making a false statement in the application shall forfeit such applicant's permit and shall not be eligible to receive any type of beer permit for a period of three (3) years.
- 3) Each applicant shall be entitled to a hearing upon its application before the beer board. In no event shall a permit be issued without a full and proper hearing before the beer board and a majority vote in favor of such issuance.

- 4) Where a beer permit has been refused by the beer board, the applicant shall not be allowed to apply again for a permit on the same premises until after the expiration of one (1) year from the date of the refusal. Nothing in this subsection shall be construed as prohibiting or in any manner limiting the right of review by the circuit or chancery court of the county in the manner authorized by law.
- 5) Following the filing of any application, the beer board, at the applicant's expense, may direct such investigation of the contents of the application as it deems proper. (Ord. #1404, April 2017)

8-208. **Privilege tax.** There is 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 each successive January 1 to the City of Dickson, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall pay the privilege tax on a prorated basis for each month or portion of a month remaining until the next tax payment date. (Ord. #1244, Dec. 2007)

8-209. **Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits are required for selling at retail, storing, distributing, and manufacturing. It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit. It is likewise unlawful for any beer permit holder not to comply with any expressed restrictions or conditions in the permit. Beer permits are issued with the following restrictions.

- 1) Class I: On Premises. This permit shall allow the sale and consumption of beer on the applicant's premises only. Premise is to include all decks, patios, porches or other structures that are connected or contiguous to the building. The applicant is to be engaged regularly in serving meals on every day it is open for business. Applicant must include a copy of a proposed menu with the application.
- 2) Class II: Off Premises. This permit shall allow the sale of beer for consumption off the applicant's premises only, including adjoining sidewalks, streets and parking lots within two hundred feet (200') of the structure. Sales are limited to unopened manufacturer's containers only. Sales in refillable containers or "growlers" as defined in this chapter are not allowed.
- 3) Class III: On/Off Premises. This permit shall allow the sale of beer for consumption on or off the applicant's premises. Permit is subject to the same restrictions as a Class I permit. Permit shall allow the sale of beer in unopened manufacturer's containers and refillable containers or "growlers" as defined in this chapter for off-premises consumption.
- 4) Class IV: Private Club Permit. This permit shall allow the sales of beer for on-premises consumption only in a chartered, members-only organization.
- 5) Class V: Growler Permit. This permit shall allow the retail sale of beer contained in "growlers." A "growler" is defined as a glass container not to exceed sixty-four (64) ounces that is filled by an employee of the licensed establishment with beer from a keg. The container must be specifically manufactured, sold and utilized solely for the purpose of a "growler" and must be re-sealable for off-premises consumption only. "Growlers" may only be filled from kegs procured by the licensee from a duly licensed

wholesaler. Only professionally sanitized and sealed “growlers” may be filled and available for retail sale. Each “growler” must be securely sealed and removed from the premises in its original sealed condition. Consumption of beer on the premises of any Class V permit is strictly prohibited, except samples of tap beers offered for sale may be made available. Individual samples shall not exceed one (1) ounce per sample, nor shall any one (1) individual be offered or allowed to consume more than five (5) one (1) ounce samples or five (5) total ounces per business day. Class V permits shall be solely issued for those businesses whose primary source of revenue shall be from the sale and refilling of beer “growlers.” (Ord. #1404, April 2017)

8-210. **Limitation on permits.** Provided that a permit holder complies with all requirements of this chapter, any existing permit for the sale of beer within the corporate limits of the city as of December 2007 shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment for which an existing permit has been issued for the sale of beer provided the purchaser complies with the provisions of this chapter. Any new permit issued for the sale of beer at the establishment must be restricted to the previous type permit issued for this establishment and must be restricted to the existing structure used by the former permit holder. (Ord. #1244, Dec. 2007)

8-211. **Interference with public health, safety, and morals prohibited.**

- 1) No permit authorizing the sale of beer will be issued when the business would cause congestion of traffic or would interfere with schools or churches, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within four hundred feet (400') of any school or church. This distance restriction does not apply to an establishment in a commercial zone, or having a license issued by the Tennessee Alcoholic Beverage Commission to sell alcoholic beverages for consumption on the premises and which is a restaurant as defined by the Tennessee Alcoholic Beverage Commission pursuant to Tennessee Code Annotated, § 57-4-101, et seq., or any establishment having a license issued by the Tennessee Alcoholic Beverage Commission to sell wine and which is a retail food store as defined by the Tennessee Alcoholic Beverage Commission pursuant to Tennessee Code Annotated, § 57-3-803, et seq. The distance shall be measured in a straight line from the nearest point of the building from which the beer will be manufactured, stored or sold to the nearest point of the church or school building. The measurement shall include any decks, patios and other outdoor service areas contiguous to the building as defined by Tennessee Code Annotated, § 57-5-103, et seq. The applicant for a beer permit shall submit with his application a measurement made by a licensed surveyor certifying the accuracy of the distance. If, at the time of application, the applicant's structure is not completed, the applicant must submit sufficient information in the form of a site plan, blueprints or other construction documents that provide the ability to verify the proposed building will comply with the requirements. A permit can be approved but shall not be issued until such time that the structure is completed and compliance with all municipal code requirements is verified. If a beer permit is approved for a proposed or incomplete building, the applicant must notify the city immediately of any changes in the construction that would affect its compliance with the municipal code. If the completed

building is found not to be in compliance with any requirement, the City of Dickson has the right to revoke the beer permit. No permit shall be suspended, revoked or denied on the basis of proximity to a school or church if a valid permit has been previously issued to any business on that same location unless the sale, distribution or manufacture of beer at that location has been discontinued during any continuous six (6) month period.

- 2) A church as referred to herein shall be a place where religious services are held at least once a week, the premises occupied for church purposes exclusively, and which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code. The city shall not suspend, revoke or deny a permit to a business engaging in selling, distributing or manufacturing beer on the basis of the proximity of the business to a school or church if a valid permit had been issued to any business on that same location as of January 1, 1993. This section shall not apply if beer is not sold, distributed, or manufactured at that location during any continuous six (6) month period after January 1, 1993. (Ord. #1404, April 2017)

8-212. **Issuance of permits to persons convicted of certain crimes prohibited.** No permit shall be issued to any person who has been convicted of the following:

- 1) Within the past ten (10) years of any felony involving misuse or abuse of alcohol or the illegal use of drugs, or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 2, schedules I through V, et seq. and/or any crime involving moral turpitude;
- 2) Within the past two (2) years of any misdemeanor involving the misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in Tennessee Code Annotated, § 39-17-310, et seq. disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any control substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 2, scheduled I through V, et seq., and/or any crime involving moral turpitude; or
- 3) Within the past five (5) years of any two (2) or more misdemeanors involving misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in Tennessee Code Annotated, § 39-17-310, et seq., disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in Tennessee Code Annotated, title 39, chapter 17, part 2, schedules I through V, et seq. and/or any crime involving moral turpitude. (Ord. #1404, April 2017)

8-213. **Prohibited conduct or activities by beer permit holders.** The holder of a beer permit shall not:

- 1) Employ any person convicted of any offense regarding the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- 2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.
- 3) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M. during any night of the week; and 3:00 A.M. and 12:00 P.M. on Sunday.
- 4) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- 5) Allow any minor under twenty-one (21) years of age to loiter in or about his place of business.
- 6) Make or allow any sale of beer to any intoxicated person.
- 7) Allow drunk disreputable persons to loiter about the premises.
- 8) Serve, sell, or allow the consumption on the premises of any alcoholic beverage with an alcoholic content as defined pursuant to Tennessee Code Annotated, § 57-5-101, unless the beer permit holder is also the holder of a State of Tennessee Liquor License.
- 9) Fail to provide and maintain separate sanitary toilet facilities for men and women, if beer is consumed on the premises.
- 10) Allow, use, employ or permit any sexual or pornographic conduct prohibited by Tennessee Code Annotated, § 57-4-204(b), (c), (d), (e).
- 11) Fail to post signs as required by Tennessee Code Annotated, § 57-5-301. Any violation of this section is grounds to revoke or suspend a beer permit, except as provided in § 8-214. (Ord. #1244, Dec. 2007)

8-214. Revocation or suspension of beer permits; responsible vendors.

- 1) The beer board may suspend a permit issued under this chapter when the holder of a permit fails to pay when due any tax or taxes owing to the City of Dickson, including the annual privilege tax, the business tax, real property taxes, or personal property taxes, or any other tax assessed against the premises for which the permit was issued, until the taxes, including any penalty and interest, are paid in full. The holder of the beer permit shall also possess a valid business license for the business at which beer is sold. The failure of the holder of the beer permit to obtain or to maintain a valid business license is grounds for suspension of a beer permit issued to the holder, until the holder of a beer permit obtains a business license.
- 2) The beer board may revoke or suspend any beer permit issued under the provisions of this chapter when the holder is guilty of making a false statement or misrepresentation in the application or of violating any of the provisions of this chapter. The first violation of this chapter shall result in the revocation or suspension of the beer permit for a minimum period of fourteen (14) days, and the second violation shall result in a revocation or suspension for a minimum period of thirty (30) days. The periods of time for these revocations or suspensions do not include days on which the sale of beer is legally prohibited. The beer board may impose longer periods of suspension or revocation or may revoke a beer permit entirely if, in its opinion, that action is justified. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to the holder of the permit. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

- 3) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. #1244, Dec. 2007)

8-215. **Civil penalty in lieu of revocation or suspension.**

- 1) **Definition.** "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.
- 2) **Penalty, revocation or suspension.** The beer board, may at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sale to a minor, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sale to a minor or for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder has seven (7) days within which to pay the civil penalty before the revocation or suspension is imposed. If the civil penalty is paid within that time, the revocation or suspension is deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder is an admission by the holder of the violation charged and is paid to the exclusion of any other penalty that the city may impose. (Ord. #1244, Dec. 2007)

8-216. **Loss of clerk's certification for sale to minor.** If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #1244, Dec. 2007)

8-217. **Violations and penalty.** Except as provided elsewhere in this chapter, any violation of this chapter constitutes a civil offense and, upon conviction, is punishable by a penalty under the general penalty provision of this code. Each day a violation continues constitutes a separate offense. (Ord. #1244, Dec. 2007)