

## TITLE 8

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

#### CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. LIQUOR 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 indicates 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 patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (1996 Code, § 2-101, as replaced by Ord. #2015-02, Feb. 2015)

**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 Jefferson City, Tennessee. Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Jefferson City, Tennessee, the same

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

as if said code sections were copied herein verbatim. (as added by Ord. #2015-02, Feb. 2015)

**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 upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Jefferson City alcoholic beverages for consumption on the premises where sold. (as added by Ord. #2015-02, Feb. 2015)

**8-104. Annual privilege tax to be paid to the city recorder.** 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 Jefferson City shall remit annually to the city recorder 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. (as added by Ord. #2015-02, Feb. 2015)

**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 feet (200') 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. (as added by Ord. #2015-02, Feb. 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. #2015-02, Feb. 2015)

**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 manufacturer 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 a 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. #2015-02, Feb. 2015)

## CHAPTER 2

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

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Contents of application.
- 8-209. Issuance of permit.
- 8-210. Notice.
- 8-211. Beer permits shall be restrictive.
- 8-212. Prohibited conduct or activities by retail holders.
- 8-213. Revocation or suspension of beer permits.
- 8-214. Civil penalty in lieu of revocation or suspension.
- 8-215. Loss of clerk's certification for sale to minor.
- 8-216. Clubs.
- 8-217. Privilege tax.
- 8-218. Violations.
- 8-219. Transfer of permits.
- 8-220. Limitation on number of permits.

**8-201. Beer board established.** The Jefferson City Beer Board shall be composed of the sitting members of city council, with the mayor serving as chairman. Members shall receive no compensation for serving on the beer board. (1996 Code, § 2-201, as replaced by Ord. #2005-06, June 2005)

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a five (5) day notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1996 Code, § 2-202)

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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).

**8-203. Record of beer board proceedings to be kept.** The recorder shall be the secretary ex officio without the power to vote and shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1996 Code, § 2-203)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1996 Code, § 2-204)

**8-205. Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (1996 Code, § 2-205)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101(a)(20); 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 nonbeverage ingredients containing alcohol. (1996 Code, § 2-206, as amended by Ord. #2007-18, Jan. 2008)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-107(a), shall be accompanied by the non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Jefferson City. Each applicant must be a person of good moral character and must certify that he has read and is familiar with the provisions of this chapter. Each applicant must, at the applicant's expense, submit a criminal history background check performed by the Tennessee Bureau of Investigation. If the applicant is a corporation, the background check shall be conducted on the

manager of the establishment where beer will be sold. (1996 Code, § 2-207, as amended by Ord. #2007-18, Jan. 2008)

**8-208. Contents of application.** Before any person, firm, corporation, joint-stock company, syndicate, or association shall be authorized to sell, store, and/or manufacture such beer and/or beverages as prescribed herein, he shall apply to the beer board and shall establish:

(1) The name, age, and address of the applicant and all of the persons having an interest in the business, and shall give an apt description which definitely locates the proposed place of business.

(2) That no such beverage will be sold in a congested area; within three hundred (300) feet of a school; within one hundred fifty (150) feet of a church or other place of public gathering; closer than sixty (60) feet to a residence; or where such sale shall interfere with the public health, safety, and morals. Measurements shall be actual "walk off" measurements and shall not be determined by GIS measurements.

(3) That no sale shall be made to persons under twenty-one (21) years of age. (Tennessee Code Annotated, § 57-4-105.)

(4) That neither the applicant nor any persons employed by him in such distribution or sale shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years.

The application shall distinctly state whether the person so applying will conduct the business in person, or whether he is acting as agent for any other person, firm, corporation, syndicate, association, or joint-stock company, and any person making false statement in said application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years.

Any applicant for a permit to see beer pursuant to this chapter shall be liable for the payment of the cost of any survey necessary to determine if the applicant meets the footage requirements of this chapter. Upon request of the Jefferson City Beer Board, an applicant shall submit a certified copy of a survey showing the applicant's distance from the nearest school, church, place or public, gathering, or residence as measured in a straight line from the nearest points, building to building, between the building where beer will be sold to the building of the nearest school, church, place of public gathering, or residence. The term "school" does not include private pre-school, private day care, home school, college, or university. (1996 Code, § 2-208, modified, as amended by Ord. #2002-09, May 2002, and Ord. #2007-18, Jan. 2008)

**8-209. Issuance of permit.** Any applicant seeking a permit under this chapter and who complies with the conditions and provisions hereof shall have issued to him the necessary permit, and in the event said permit is refused, the applicant shall be entitled to a hearing on his application for the issuance of a

permit. The refusal to grant a permit may be reviewed as provided by law. (1996 Code, § 2-209)

**8-210. Notice.** Before the beer board shall issue a permit under this chapter, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such permit and the date and time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a permit. (1996 Code, § 2-210)

**8-211. Beer permits shall be restrictive.** (1) All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board or enacted by ordinances. Permits are to be renewed annually on a calendar basis.

(2) An on premises consumption permit shall be issued only to the permit holder whose business is:

- (a) Primarily a restaurant or eating place,
- (b) Able to seat a minimum of forty (40) people, including children, in booths and at tables in addition to other seating it may have,
- (c) Have at least seventy five percent (75%) of all seating in the interior of the building under a permanent roof, and
- (d) Have monthly beer sales that shall not exceed fifty percent (50%) of the total sales (1996 Code, § 2-211, as amended by Ord. #2007-18, Jan. 2008, and Ord. #2015-02, Feb. 2015)

**8-212. Prohibited conduct or activities by retail holders.**

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. This provision shall not apply to grocery stores selling beer for off-premises consumption only.

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M. on Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

- (4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (5) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- (6) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.
- (7) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (8) Allow drunk or disreputable persons to loiter about his premises.
- (9) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (10) In the case of on premises consumption permits, fail to provide and maintain separate sanitary toilet facilities for men and women. (1996 Code, § 2-212, as amended by Ord. #2007-18, Jan. 2008, and Ord. #2015-02, Feb. 2015)

**8-213. Revocation or suspension of beer permits.** (1) The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after five (5) days notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

(2) 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 the 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-month period. The revocation shall be for three (3) years. (1996 Code, § 2-213, as amended by Ord. #2007-18, Jan. 2008)

**8-214. 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 sales to minors, 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 sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1996 Code, § 2-214, as amended by Ord. #2003-21, Jan. 2004, and replaced by Ord. #2007-18, Jan. 2008)

**8-215. 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 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. (1996 Code, § 2-215, as replaced by Ord. #2007-18, Jan. 2008)

**8-216. Clubs.** Clubs, as defined in Tennessee Code Annotated, § 57-4-102, selling liquor shall first apply to the city council for a certificate of good moral character and shall meet all zoning and building regulations and codes of the city. In addition, no such club shall locate in a congested area; within two thousand feet of a school (either public or private), church, or other place of public gathering; closer than five hundred feet to a residence; or where such sale will interfere with the public health, safety, and morals. (1996 Code, § 2-216)

**8-217. Privilege tax.** (1) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a 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 Jefferson City, 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.

(2) The city recorder shall mail written notice to each permit holder of the payment date at least thirty (30) days before January 1. If the permit holder does not pay by January 31, the city recorder shall again notify the permit holder that payment is due. If the permit holder does not pay within ten (10) days receiving the second notice, the permit is void.

(3) 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 payment date. (as added by Ord. #2007-18, Jan. 2008)

**8-218. Violations.** Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #2007-18, Jan. 2008)

**8-219. Transfer of permits.** (1) A beer permit may be transferred by the holder from one location to another when the permit holder changes his place of distribution due to:

- (a) Destruction caused by act of God.
- (b) Fire.
- (c) Acts of the permit holder's landlord.
- (d) Construction of new place of distribution with abandonment of the prior place of distribution.
- (e) Any other transfer of location permitted by the beer board.

The new location must meet the criteria of this chapter at the time of the change of location.

(2) A corporate holder of a beer permit shall be allowed to retain the permit if the corporation changes its name, merges with another corporation, is acquired by another corporation or undergoes other corporate restructuring, provided that the corporate beer permit holder notifies the beer board of any such changes within forty-five (45) days of such changes and any new owner of the corporation is not disqualified to hold a beer permit pursuant to this chapter.

(3) No beer permits issued to individuals under this chapter may be transferred to other individuals or corporations except by the beer board. The beer board may transfer a permit to a buyer or transferee in the event that a permit holder sells or transfers his business or to the permit holder heirs in the event of the permit holder's death. In the case of sale or transfer, the permit holder must notify the beer board thirty (30) days in advance of such sale or

transfer. In the event of the permit holder's death, his heirs must notify the beer board within sixty (60) days of the permit holder's death. The beer board may waive the notice requirement if it determines that there are extraordinary circumstances which make it equitable to do so, but in no event may a permit be transferred to an individual or corporation who is not qualified to hold a permit under the requirements of this chapter. (as added by Ord. #2007-18, Jan. 2008)

**8-220. Limitation on number of permits.** There shall be no limit on the number of permits issued by the beer board. (as added by Ord. #2007-18, Jan. 2008)

## CHAPTER 3

### LIQUOR STORES<sup>1</sup>

#### SECTION

- 8-301. Alcoholic beverages subject to regulation.
- 8-302. Application for certificate.
- 8-303. Applicant to agree to comply with laws.
- 8-304. Applicant to appear before the city council; duty to give information.
- 8-305. Action on application.
- 8-306. Residency requirement.
- 8-307. Applicants for certificate who have criminal record.
- 8-308. Only one establishment to be operated by retailer.
- 8-309. Where establishments may be located.
- 8-310. Retail stores to be on ground floor; entrances.
- 8-311. Limitation on number of retailers.
- 8-312. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-313. Inspection fee.
- 8-314. Violations.

**8-301. Alcoholic beverages subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #2015-02, Feb. 2015)

**8-302. Application for certificate.**<sup>2</sup> Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 (certificate of compliance) or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any councilman,<sup>3</sup> an application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:

- (1) Name, age and address of the applicant.

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<sup>1</sup>State law reference

Employee and server permits: Tennessee Code Annotated, § 57-3-701, et seq.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 57-3-208.

<sup>3</sup>State law reference

Tennessee Code Annotated, § 57-3-208 requires the certificate to be signed by the mayor or a majority of the governing body.

- (2) Number of years residence in the State of Tennessee.
- (3) Occupation or business and length of time engaged in such occupation or business.
- (4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
- (5) If employed, the name and address of employer.
- (6) If in business, the kind of business and location thereof.
- (7) The location of the proposed store for the sale of alcoholic beverages.
- (8) The name and address of the owner of the store.
- (9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.
- (10) The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.
- (11) An application fee of two hundred fifty dollars (\$250.00), payable to the City of Jefferson City, shall accompany each application for a certificate of compliance. (as added by Ord. #2015-02, Feb. 2015)

**8-303. Applicant to agree to comply with laws.** The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #2015-02, Feb. 2015)

**8-304. Applicant to appear before city council; duty to give information.** An applicant for a certificate of compliance may be required to appear in person before the city council for such reasonable examination as may be desired by the council. (as added by Ord. #2015-02, Feb. 2015)

**8-305. Action on application.** Every application for a certificate of compliance shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the city council within thirty (30) days of the date each application was filed.

The city council may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the city council. Applications will be accepted beginning at 9:00 A.M. on Monday, March 2, 2015, and will be acted on administratively in the order in which they are received. (as added by Ord. #2015-02, Feb. 2015)

**8-306. Residency requirement.**<sup>1</sup> The applicant for a certificate of compliance shall have been a bona fide resident of the State of Tennessee for not less than one (1) year at the time his application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of the State of Tennessee for not less than one (1) year at the time the application is filed. This section shall not apply to any applicant who has been continuously licensed pursuant to Tennessee Code Annotated, § 57-3-204 for seven (7) consecutive years. (as added by Ord. #2015-02, Feb. 2015)

**8-307. Applicants for certificate who have criminal record.** No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #2015-02, Feb. 2015)

**8-308. Only one establishment to be operated by retailer.** No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (as added by Ord. #2015-02, Feb. 2015)

**8-309. Where establishments may be located.** (1) It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose.

(2) Retail package stores (liquor stores) are restricted to B-3, Highway Business District zones and retail licenses for said liquor stores shall be restricted to establishments that are at least one thousand five hundred feet (1,500') apart and having street frontage and access on major arterial streets.

(3) Any establishment that obtains a license for the sale of wine in retail food stores pursuant to Tennessee Code Annotated, § 57-3-801, et seq, are restricted to B-1, Neighborhood Business District; B-2, Central Business

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-3-208(c).

District; B-3, Highway Business District; and B-4, General Commercial District zones. (as added by Ord. #2015-02, Feb. 2015, and replaced by Ord. #2017-04, March 2017)

**8-310. Retail stores to be on ground floor; entrances.** No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (as added by Ord. #2015-02, Feb. 2015)

**8-311. Limitation on number of retailers.**<sup>1</sup> There shall be no limit on the number of retail licenses for the sale of alcoholic beverages issued under this chapter. (as added by Ord. #2015-02, Feb. 2015)

**8-312. Radios, amusement devices and seating facilities prohibited in retail establishments.** No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #2015-02, Feb. 2015)

**8-313. Inspection fee.** The City of Jefferson City hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (as added by Ord. #2015-02, Feb. 2015)

**8-314. Violations.** Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2015-02, Feb. 2015)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-3-208(c).