

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. BEER.
2. INTOXICATING LIQUORS.

CHAPTER 1

BEER²

SECTION

- 8-101. Permit required for engaging in beer business.
- 8-102. Classes of permits.
- 8-103. Conditions prerequisite to issuance and continuance of permit.
- 8-104. Suspension or revocation of permits.
- 8-105. Civil penalty in lieu of suspension.
- 8-106. Privilege tax.
- 8-107. Restrictions on time of sales.

8-101. 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 city council. The application shall be made on such form as the council shall prescribe and/or furnish, and pursuant to T.C.A., 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Norris. Each applicant must be a person of good moral character and certify that the has read and is familiar with the provisions of this chapter. (1972 Code, § 2-101, modified)

8-102. Classes of permits. There shall be two classes of permits issued by the city:

¹State law reference
Tennessee Code Annotated, title 57.

²State 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).

(1) Class A. An off premises permit, which shall be issued only to a grocery store. A "grocery store" shall be defined as a business establishment whose primary business is the sale of food purchased for consumption off premises and which needs additional preparation before it is consumed, and the sale of other products designed primarily for household use and consumption.

(2) Class B. An on premises permit, which shall be issued only to restaurants. A "restaurant" shall be defined as a business establishment whose primary business is the sale of food prepared to be consumed on premises and which needs no additional preparation before it is consumed, and in which less than twenty-five percent (25%) of its income is from the sale of beer. (1972 Code, § 2-102; replaced by Ord. #441, Jan. 1998)

8-103. Conditions prerequisite to issuance and continuance of permit. Before any applicant shall be issued a permit or allowed to continue to sell, store, or distribute beer, he shall establish that:

(1) No persons will be employed in the storage, sale, or manufacture of any such beverages except citizens of the United States.

(2) Such sale will not cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, and morals.

(3) No sale shall be made to minors.

(4) 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.

(5) The place from which intoxicating liquors is sold is a territory zoned C-1, C-2, S-1, or S-2. (1972 Code, § 2-103, modified; and amended by Ord. #441, Jan. 1998, and Ord. #578, Feb. 2015)

8-104. Suspension or revocation of permits. The city council retains full power and authority to suspend or revoke any permit, the issuance of which is herein provided for, and for this purpose is fully authorized and empowered to hear and determine complaints brought for that purpose. Except as otherwise provided in the state law, any violation of this chapter or applicable state law¹ shall constitute sufficient grounds for the suspension or revocation of any beer permit.

Complaints brought for the purpose of suspending or revoking a beer permit shall be made in writing and filed with the city manager who shall thereupon give or cause to be given written notice, accompanied by a copy of such written complaint commanding the permittee to appear at a time and place

¹State law reference

Tennessee Code Annotated, title 57.

designated in said notice before the city council to show cause why his permit should not be suspended or revoked. The notice shall be served either by registered letter or by a city policeman at least ten (10) days prior to the date of the hearing. At the hearing, which shall be public, the city council shall determine the nature and merits of the complaint and for this purpose the mayor is authorized to compel the attendance of witnesses by subpoena. After the hearing the city council may for proper cause suspend or revoke any permit issued pursuant to this chapter. (1972 Code, § 2-104)

8-105. Civil penalty in lieu of suspension. The city council may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 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 with that time, the revocation or suspension shall be deemed withdrawn.

8-106. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, and each successive January 1, to the City of Norris, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

8-107. Restrictions on time of sales. Hours for times of sales of retail beer and/or wine for off-premise consumption in a territory zoned C-1, C-2, S-1, or S-2 will be the same as hours set forth by Anderson County.

Hours for times of sales of intoxicating liquors for on-premise consumption in a territory zoned C-1, C-2, S-1, or S-2 will be the same as set forth by the State of Tennessee Alcoholic Beverage Commission. (amended by Ord. #441, Jan. 1998, and replaced by Ord. #578, Feb. 2015)

CHAPTER 2

INTOXICATING LIQUOR(S)¹

SECTION

- 8-201. Alcoholic beverages subject to regulation.
- 8-202. Application for certificate of compliance.
- 8-203. Application fee.
- 8-204. Applicant to agree to comply with laws.
- 8-205. Applicant to appear before board of mayor and council members; duty to give information.
- 8-206. Action on application.
- 8-207. Residency requirement.
- 8-208. Applicants for certificate who have criminal record.
- 8-209. Time period for action.
- 8-210. Only one establishment to be operated by retailer.
- 8-211. Where establishments may be located and building requirements.
- 8-212. Retail stores to be on ground floor; entrances.
- 8-213. Limitation on number of retailers.
- 8-214. Sales for consumption on premises.
- 8-215. Radios, televisions, amusement devices and seating facilities prohibited in retail establishments.
- 8-216. Advertising.
- 8-217. Inspection fee.
- 8-218. Violations.

8-201. 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. #524, Feb. 2011)

¹Municipal code reference

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

State law reference

Tennessee Code Annotated, title 57.

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

8-202. Application for certificate of compliance.¹ Before any certificate of compliance, as required by Tennessee Code Annotated, § 57-3-208 or a renewal, as required by § 57-3-213, shall be signed by the mayor, or by any council members,² 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) For all individual applicants or each individual who has or will have any ownership interest and percentage thereof, whether as a partner, shareholder or any other right to participate in the profits of a business applicant proposing to engage in the retail sale of alcoholic beverages:

(a) Their name, age, and address.

(b) The number of months and years each has resided in Anderson County.

(c) If currently engaged in a business and/or occupation, the months and/or years so engaged or employed and the name and address of the business and/or employer.

(d) Whether each individual has ever been convicted of a felony; or a violation of any law of the state or the United States prohibiting the sale, possession, transportation, storage, or otherwise dealing with alcoholic beverages and whether each individual has owned any interest in a business found to be in violation of any laws.

(2) The location of the proposed store for the retail sale of alcoholic beverages.

(3) The name and address of the owner of the location proposed.

(4) 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 six (6) copies of a scale plan drawn to scale of not less than one inch (1") equals twenty feet (20') with the following information:

(a) The shape, size and location of the lot, on 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

¹State law reference

Tennessee Code Annotated, § 57-3-208.

²State law reference

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

(d) The identification of every parcel of land within two hundred fifty feet (250') 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.

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. (as added by Ord. #524, Feb. 2011)

8-203. Application fee. A non-refundable application fee of five hundred dollars (\$500.00) is due at the time of application for a certificate of compliance. The application fee shall be paid to the city recorder before any certificate of compliance application shall be reviewed prior to being issued or renewed. (as added by Ord. #524, Feb. 2011)

8-204. 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. #524, Feb. 2011)

8-205. Applicant to appear before board of mayor and council members; duty to give information. An applicant for a certificate of compliance shall be required to appear in person before the board of mayor and council members for such reasonable examination as may be desired by the board. (as added by Ord. #524, Feb. 2011)

8-206. 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 who shall submit his findings to the board of mayor and council members within thirty (30) days of the date each application was filed.

The board of mayor and council members may issue a certificate of compliance to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and council members. (as added by Ord. #524, Feb. 2011)

8-207. Residency requirement.¹ For all individual applicants or for all business applicants for a certificate of compliance, then each individual who has or will have any ownership interest, whether as a partner, shareholder or any other right to participate in the profits of the business applicant proposing to

¹State law reference

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

engage in the retail sale of alcoholic beverages shall be a bona fide resident of the County of Anderson 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. #524, Feb. 2011)

8-208. 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. #524, Feb. 2011)

8-209. 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 (6) 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. #524, Feb. 2011)

8-210. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) 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, and partner's interest or otherwise. (as added by Ord. #524, Feb. 2011)

8-211. Where establishments may be located and building requirements. 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. All such stores shall be located within the C-2 General Commercial District as appears on the official zoning map of the City of Norris at the time of application. Such liquor store shall not be located within two hundred fifty feet (250') of any church, childcare center, or school as measured along a straight line from the front door of such an establishment to the front door of the liquor store.

All liquor stores shall be a permanent type of construction in a material and design approved by the city's governing body. All liquor stores shall have night-lights surrounding 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 shall be one thousand eight hundred (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 the way of large windows in the front, and as to the extent practical, to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, land use, building and life safety regulations adopted by the City of Norris unless specifically provided otherwise. (as added by Ord. #524, Feb. 2011)

8-212. 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. #524, Feb. 2011)

8-213. Limitation on number of retailers.¹ No more than one (1) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (as added by Ord. #524, Feb. 2011)

8-214. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption on the premises of the seller, nor consumed on the premises by sales personnel, owner or proprietor. (as added by Ord. #524, Feb. 2011)

8-215. Radios, televisions, amusement devices and seating facilities prohibited in retail establishments. No radios, televisions, 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. #524, Feb. 2011)

8-216. Advertising. There shall be no advertising sign age of any kind whatsoever outside the building containing a liquor store either for the liquor

¹State law reference

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

store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores, except as set forth herein. The provisions of the City of Norris Municipal Zoning Ordinance, § 14-441 and any other city ordinances or regulations addressing signs shall not apply to liquor stores, unless any specific restrictions on signs or advertising in the zone where a liquor store is located are more restrictive than the restrictions contained herein, in which case the more restrictive provision shall apply. There may be placed in front of a liquor store, but not extending from there over twelve inches (12"), a sign setting out the name of the liquor store. Such signs shall not exceed twenty (20) square feet in dimension. No such sign shall contain letters of neon or tube lighting so as to produce lighting within the letters themselves. Signs may be externally illuminated, but the glare from the light source shall be shielded from adjacent buildings, streets, or other thoroughfares. No electronic reader board or changeable copy signs shall be permitted. One (1) freestanding sign shall be allowed on premises, as permitted by § 14-411 of the Norris Municipal Zoning Ordinance. No off-premise signs shall be allowed within the city. Regarding sign age inside a liquor store, no banner or temporary sign age shall be placed so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store. (as added by Ord. #524, Feb. 2011)

8-217. Inspection fee. The City of Norris hereby imposes an inspection fee in the maximum amount and frequency 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. #524, Feb. 2011)

8-218. 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. #524, Feb. 2011)