TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER
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3. BEER AND ALCOHOLIC BEVERAGES OF LESS THAN FIVE PERCENT.

CHAPTER 1

RETAIL PACKAGE INTOXICATING LIQUORS

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8-101. Sale, etc., of intoxicating liquor regulated. It shall be unlawful to purchase or to engage in the business of selling, storing, transporting, or distributing alcoholic beverages within the corporate limits of the Town of Pleasant View, except as provided by Tennessee Code Annotated, § 57-3-101, et seq. and by the rules and regulations promulgated hereunder, and as provided in this chapter.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic

¹State law reference
Tennessee Code Annotated, title 57.
content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-102. Definitions. Whenever used herein, unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every other liquid containing alcohol or spirits, and capable of being consumed by a human being, other than patented medicine, beer or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight or less.

(2) "License" means the license issued herein and "licensee" means any person to whom such license has been issued by the State of Tennessee Alcoholic Beverage Commission.

(3) "Retail sale" means a sale of alcoholic beverage to a consumer.

(4) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provision herein.

(5) "Manufacturer" means and includes a distiller, vintner and rectifier.

(6) "Whole sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(7) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provision of Tennessee Code Annotated, § 57-3-101 through 57-3-110.

(8) "Words" importing the masculine gender shall include the feminine and the neutral, and the singular shall include the plural.

(9) "Person" means a private individual, partnership, joint venture, corporation, or any other business entity or association.

(10) "Premises" means the property owned, leased or controlled by the licensee and so connected with the liquor business in which the licensee is engaged as to form a component or integral part of it, including, but not limited to, the building and parking areas surrounding it.

(11) "Curb service" means all sales transacted outside of the building where the business is carried on. The intent of this provision being to insure that the sale and purchase of alcoholic beverages is transacted in a face-to-face meeting between the salesperson and the customer, with the customer outside of a motor vehicle and under such circumstances that the salesperson has a reasonable opportunity to determine if the customer is then in an intoxicated condition or is a minor.

(12) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct including champagne, sparkling, and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate
prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

(13) "Federal license" shall not mean tax receipt or permit. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-103. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the wholesale or retail liquor business unless all the necessary state licenses and permits have been obtained. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-104. Restrictions on operators of retail liquor stores.

(1) Government employees prohibited from obtaining permit. No person, 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 appointed or elective, or who is a public employee either national, state, city or county except uncompensated appointed members of boards of commissioners who have no duties covering the regulation of permit holders under this chapter. 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) Residence requirements. No person, member or firm, corporation, partnership or association shall own or operate a retail store for the sale of alcoholic beverages as herein defined if he/she shall not have been a resident of Tennessee for two (2) years prior to making application for a license. This requirement as to residence in the case of a corporation, firm, associations, or a partnership shall apply to all of its officers, stockholders, and partners.

(3) Age limit. No retailer engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years. No employee 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 the age of eighteen (18) in his place of business to engage in the sale of alcoholic beverages.

(4) Criminal record. No retailer shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances within a ten (10) year period.

(5) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverage any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony or of any law regulating intoxicating liquors or controlled substances, and in case an employee should be so convicted after becoming employed he shall immediately be discharged.

(6) Transfer or sale of license prohibited. The holder of a license may not sell, assign, or transfer such license to any other person, and the license
shall be good and valid only for the calendar year in which the same was issued and at the location specified in the license.

(7) Undisclosed interest prohibited. It shall be unlawful for any person to have ownership in or to be a partner in or a stockholder, director, or officer, or to participate directly or indirectly in the profits of any business for which a license is granted hereunder, unless his interest in the business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of the license unless it shall have been fully disclosed in writing by supplement to the application filed with the commissioner of finance and revenue and approved in writing by him before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of the required disclosure of the proposed acquisition of the interest shall be upon both the seller and purchaser. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-105. Application for certificate of good moral character and city license. Before any character certificate or city license is issued as required by Tennessee Code Annotated, § 57-3-213, the following must be accomplished:

(1) An application in writing shall be filed with the city recorder on a form to be provided by the city, giving the following information:
   (a) Name, age and address of the applicant.
   (b) Number of years of residence in Cheatham County.
   (c) Occupation or business and length of time engaged in such occupation or business.
   (d) 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.
   (e) If employed, the name and address of employer.
   (f) If in business, the kind of business and location thereof.
   (g) The location of the proposed store for the sale of alcoholic beverages.
   (h) The name and address of the owner of the store.
   (i) A copy of corporate paperwork as filed with the Tennessee Secretary of State, copy of any partnership agreement, or any other material to show ownership of a partnership or corporation as may be determined by the council.
   (j) A copy of any and all paperwork submitted to the alcoholic beverage commission including but not limited to the application filed with the ABC.
(k) 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.

(l) 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.

(m) The applicant shall place a notice in a local newspaper of general circulation concerning the applicant's intent to seek a license from the alcoholic beverage commission. The notice shall contain such information as is prescribed in section (l6) of chapter 0100-3-09 of the local option liquor rules and regulations and shall appear for at least three (3) consecutive issues immediately preceding the date that the applicant applies to the city for a certificate of compliance. The application shall be accompanied by a copy of the public notice and the sworn statement of the applicant that the notice was published in accordance with this section and the rules of the commission.

(n) The city shall, after examination, issue a certificate of compliance that is to be attached to the application provided to the state for state licensing. The city shall require a copy of all applications and information sent to the state.

(2) Each application shall be accompanied by a non-refundable investigation fee of one thousand dollars ($1,000.00). There is also an additional fee of one hundred dollars ($100.00) for each additional criminal background checkup in partnerships and corporations for anyone owning a five percent (5%) or greater interest. Each applicant understands that a full background checkup will be done on not only the applicant but if a partnership, then the partner, and if a corporation then on anyone owning an interest of five percent (5%) or more. By applying for a certificate, the applicant and anyone that is required to have a background check hereby releases the Town of Pleasant View from any and all liability that may be associated with the performance of the background check.

(3) The applicant for a certificate of good moral character 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.

(4) An applicant for a certificate of good moral character will be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #08-10, Dec. 2008, and replaced by Ord. #10-14, Jan. 2011)

8-106. Certificate of good moral character. Certificate of good moral character issued under this chapter shall expire after two (2) years as set by statute in Tennessee Code Annotated, § 57-3-213 or any time there is a change
8-107. Certificate of good moral character—issuance. A certificate of compliance shall be authenticated as any other resolution of the board of mayor and aldermen if the board, while in session, shall find that the applicant fulfills all the following requirements:

1. The applicant or applicants who are to be in actual charge of the business are of good moral character and are personally known to a majority of the city council, or it is found that the applicant's general character is good.
2. If a corporation, partnership, association or firm, the executive officers or those in control and each owner, partner, or stockholder are of good moral character and personally known to a majority of the city council.
3. The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control of intoxicating liquors, within ten (10) years prior to the date of this application.
4. The applicant has not been convicted of a felony within ten (10) years prior to the date of application.
5. In the opinion of the city council the applicant is not likely to violate the law regarding sales of alcoholic beverages.
6. The applicant or applicants meets all other requirements of this chapter. (as added by Ord. #10-14, Jan. 2011)

8-108. 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. 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. #10-14, Jan. 2011)

8-109. Restriction to location. (1) Adequate off-street on-site parking space shall be available to any proposed liquor store and be in conformance with the zoning ordinances of the Town of Pleasant View. No liquor store shall be located on any property unless such property is in a commercial district. To assure that these requirements are satisfied, no original license shall be issued until the building official has reviewed and recommends the site plan submitted by the applicant to the board of mayor and aldermen.

(2) No retail store shall be located except on the ground floor and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereafter
provided. When a retail store is located on the corner of two (2) public streets, such retail store may maintain a door opening on each of the public streets. Said building shall be of a permanent type of construction and no store shall be located in a building that is titled or was titled. Said store shall be of minimum size of one thousand (1,000) square feet.

(3) To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale of alcoholic beverages there sold. All retail sales shall be confined to the premises of the structure and no curb service should be permitted nor shall there be permitted drive-in windows. (as added by Ord. #10-14, Jan. 2011)

8-110. **Minimum distance requirement.** No liquor store permit shall be issued to an applicant whose location is less than three hundred feet (300') from a church, house of worship, a school or its playground or a park. Distances shall be measured from the center of a public entrance of the school, church or house of worship and by a straight line of travel which may be measured aerial to the center of the main entrance of the potential licensee. In the case of a park, distances shall be measured from the property line of the park and by straight line of travel to the center of the main entrance of the potential licensee. (as added by Ord. #10-14, Jan. 2011)

8-111. **Display of license.** Persons granted a license to carry on the business or undertaking contemplated herein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license. (as added by Ord. #10-14, Jan. 2011)

8-112. **New license after revocation.** Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages to the same licensee until after the expiration of one (1) year from the date said revocation becomes final and effective. (as added by Ord. #10-14, Jan. 2011)

8-113. **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. #10-14, Jan. 2011)

8-114. **Regulations of sale.** (1) **Hours of sales on weekdays.** Retail dealers in alcoholic beverages shall not engage in the sale of such beverages except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.
(2) Transfers of ownership or possession of any alcoholic beverage by a retailer in any manner other than by retail sale is hereby prohibited.

(3) Sales on Sundays prohibited. No retailer shall sell any alcoholic beverages between 11:00 P.M. on Saturdays and 8:00 A.M. on the following Monday of each week.

(4) Sales to minors prohibited. No retailer shall sell any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21).

(5) Sales on certain holidays prohibited. No retailer shall sell any alcoholic beverages on the following holidays: Christmas, New Years, Thanksgiving, Labor Day and Fourth of July.

(6) Keeping an unsealed bottle or container prohibited. No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) Sales to person intoxicated prohibited. No retailer shall sell any alcoholic beverages to any person who is intoxicated nor shall any retailer sell any alcoholic beverages to any person accompanied by a person which is intoxicated.

(8) Sales on credit prohibited. No holder of permit for the sale of alcoholic beverages for retail shall sell, deliver, or cause, permit, or procure to be sold or delivered any alcoholic beverages on credit.

(9) Unstamped merchandise prohibited. No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the state.

(10) Political advertising prohibited. No political advertising of or for any candidate or party by poster, handout, matches, or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(11) Consumption on the premises prohibited. No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

(12) Lighted signs. Lighted signs shall not be located on any visible surface where the surface faces a church, school, or public building. Lighted signs shall not be lit except within the hours provided for the sale of alcohol. Non-lighted signs located on interior surfaces or windows where the surface faces a church, school, or public building shall not exceed four (4) square feet in area. (as added by Ord. #10-14, Jan. 2011)

8-115. Inspection fee. The following shall apply regarding inspection fees:

(1) There is hereby imposed an inspection fee on all gross purchases of alcoholic beverages made by licenses under this chapter. Said fee to be at the maximum amount as provided for in Tennessee Code Annotated, § 57-3-501.
(2) The inspection fee shall be collected by the wholesaler from the retailer at the time of sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(3) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the Town of Pleasant View as hereinafter provided.

(4) Each wholesaler making sales to retailers located within the corporate limits of the Town of Pleasant View shall furnish the Town of Pleasant View a report monthly, which report shall contain the following:
   (a) The name and address of the retailer;
   (b) The wholesaler price of the alcoholic beverages sold to such retailer;
   (c) The amount of tax due under this section; and
   (d) Such other information as may be required by the mayor and board of aldermen of the Town of Pleasant View. The monthly report shall be furnished to the city recorder of the town not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the Town of Pleasant View shall be paid to the Town of Pleasant View. The wholesaler shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the Town of Pleasant View.

(5) Each wholesaler who fails to collect and/or remit in a timely manner the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent (10%) of the fee due the Town of Pleasant View which shall be payable to the Town of Pleasant View.

(6) The Town of Pleasant View shall have the authority to audit the records of all wholesalers subject to the provision of this section in order to determine the accuracy of said monthly report. (as added by Ord. #10-14, Jan. 2011)

8-116. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction be punishable by a penalty under the general penalty provisions 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. #10-14, Jan. 2011)
CHAPTER 2

BEER PERMIT BOARD

8-201. Established. A beer permit board is created and designated as the Town of Pleasant View Beer Board. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-202. Membership. The Town of Pleasant View Beer Board shall consist of a committee composed of the Town of Pleasant View Board of Mayor and Aldermen. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-203. Meetings—quorum required—minutes and transcript. (1) The Town of Pleasant View Beer Board shall convene when called by the mayor. All members and the local press shall receive at least forty-eight (48) hours notice before a meeting.

(2) The attendance of at least a majority of the members of the board shall be required to constitute a quorum for the purpose of transacting business.

(3) The board shall keep minutes in permanent form and the board shall keep a record of all of its actions with respect to every application for a permit. The concurring vote of a majority of the members of the board shall be necessary to grant or revoke any permit.

(4) Any person may bring a court reporter or video camera to transcribe the meeting providing the party supplies a copy of the transcript or tape to the beer board. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-204. Powers and duties. (1) The Town of Pleasant View Beer Board shall have jurisdiction of licensing, regulation and control of transportation, storage, sale, distribution, possession, receipt and manufacture of alcoholic beverages in Pleasant View.

(2) The Town of Pleasant View Beer Board may promulgate such bylaws, rules and regulations as it deems appropriate. Such rules and regulations shall be consistent with this and all other laws. Copies of such rules and other documents shall be filed with the Pleasant View City Recorder and shall be available to the public. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)
8-205. **Inspectors–authority.** The Pleasant View City Police and the Cheatham County Sheriff's Department, or their designee and any beer board member, if accompanied by an officer of the Pleasant View Police Department or another authorized inspector are empowered to inspect the premises and operations of permittees. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)
CHAPTER 3

BEER AND ALCOHOLIC BEVERAGES OF LESS THAN FIVE PERCENT

SECTION
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8-301. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:
   (3) "Beer" means any alcoholic beverage containing five percent (5%) or less alcohol by weight.

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).
(4) "Beer board" or "board" means that administrative body organized and empowered under the authority of Tennessee Code Annotated, § 57-5-108 and created by § 8-101 of this chapter.
(5) "Church" means a building or property where a congregation regularly meets at least one (1) day per week for religious worship.
(6) "Park" means a place or property either owned or maintained by the Town of Pleasant View or by a governmental entity where persons regularly gather for recreational purposes or as spectators.
(7) "Permit" means any permit issued pursuant to this chapter.
(8) "Permittee" means any person to whom any permit has been issued pursuant to this chapter.
(9) "Premises" means a building, portion of a building, or property that is utilized for a particular business enterprise.
(10) "Retailer permit" means a permit issued by the beer board to a vendor engaged in the sale of beer for consumption by the purchaser and guests and not for resale. The permit shall state whether the permit is for sale of beer which is not to be consumed upon the premises of the permittee, is to be consumed only upon the premises or is to be consumed both on and off the premises.
(11) "School" means an institution, including kindergarten, where regular classes are conducted under the supervision of a teacher or instructor, schools or colleges where specialized subjects are taught to students of all ages.
(12) "Sell" means and includes taking or receiving an order for, keeping or exposing for sale, delivering for value, keeping for intent to sell and trafficking in beer. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-302. **Permit required.** No person shall sell, store for resale, distribute, or manufacture beer within the Town of Pleasant View, Tennessee, without a valid annual permit issued by the Pleasant View Beer Board. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-303. **Permits.** No person shall sell, store for resale, distribute or manufacture beer in the Town of Pleasant View, without a permit issued by the Pleasant View Beer Board. The following types of permits may be issued by the Pleasant View Beer Board:

(1) Wholesaler's permits may be issued to distributors, manufacturers and/or brewers selling directly to retailers.

(2) A retailer's "off-site-sale" permit may be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of the seller.

(3) A retailer's "on-site-sale" permit may be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller. A retailer's on-site-sale permit
may be issued to bona fide hotels or motels greater than sixty (60) rooms available for lease or rental, golf courses and restaurants in which beer sales are subsidiary to the primary business conducted on the site, in accordance with § 8-310(3) herein.

(4) **Special occasion permit.** Special occasion permit may be issued to a bona fide charitable, nonprofit or political organization for the sale of beer where they are to be consumed on the premises by the organizations guests. Such a permit may not be issued to the same organization for more than five (5) times per year. Application for the special occasion permit shall be submitted no less than thirty (30) days prior to the event. A copy of the IRS tax exemption letter providing proof of 501(c)(3) status must be submitted with the application. Said permit is limited to seventy-two (72) hours. Each permit will be issued for a specific date and a specific period of time. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and amended by Ord. #12-3, March 2012)

**8-304. Application—requirements and conditions.** (1) Any person desiring a beer permit shall file in person with the city recorder a written application under oath. The application shall include a scale drawing of the premises showing all parking spaces and the lot dimensions and an interior drawing showing the seating. A sufficient description of the location of the premises by street address or other geographical location to permit an accurate determination of whether the permit location would conform to the distance requirements contained in § 8-309(1) herein. Drawings shall be done to scale in a professional manner. A survey performed by a licensed surveyor may be required to establish accurate measurements at the discretion of the beer board. No permit shall issue until the board has approved the written application and interviewed the applicant. The form of the application shall be prescribed by the board and approved by the city attorney. The applicant shall establish the following:

(a) Name of the applicant.
(b) Name of applicant's business and whether the applicant is a person, partnership, corporation, limited liability company or association.
(c) Location of business by street address, and map and parcel and telephone number at the location.
(d) If beer will be sold at two (2) or more restaurants or other business as provided by Tennessee Code Annotated, § 57-5-103(a)(4), applicant shall provide a description of all such businesses.
(e) Persons, firms, corporations, joint-stock companies, syndicates, partnerships, limited liability companies or associations having any ownership in the applicant, together with addresses and telephone numbers and social security numbers and tax ID numbers.
(f) Identity, address and telephone number of a representative to receive annual tax notices and other communication from the Town of Pleasant View.

(g) That no person or entity owning an ownership interest in the applicant nor any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, transportation or use of alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.

(h) Whether the applicant is seeking a permit which would allow the sale of beer for on-premises consumption of beer or for off-premises consumption or both types of consumption.

(i) The name, address and telephone number of the owner of the property.

(j) The application shall authorize a police records check and shall waive any right the applicant may have to privacy concerning arrests reflecting on the moral character of the applicant. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-305. Application—police record check. The city recorder shall submit all applications to either the Pleasant View Police Department or the Cheatham County Sheriff's Department for a records check prior to time of the beer board meeting at which the application will be considered. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-306. Application—renewal—change in on-premises management. (1) All applications except special occasion permits shall be accompanied by an application fee of two hundred fifty dollars ($250.00) for use in offsetting the expense of investigating the applicant and processing the applicant. Applications for special occasion permits shall be accompanied by an application fee of one hundred dollars ($100.00) for use in offsetting the expense. No portion of the fee shall be refunded to the applicant even if the application is denied. If a current valid license is brought in from the alcoholic beverage commission, the criminal background check will be waived for the special occasion permit and the permit fee shall be reduced to seventy-five dollars ($75.00).

(2) All beer permit holders shall pay an annual privilege tax and fee of one hundred dollars ($100.00).

(3) All applications for the issuance of permits for the change in management of an establishment licensed by the Town of Pleasant View shall be accompanied by a change in management fee of one hundred dollars ($100.00). (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008, and amended by Ord. #12-3, March 2012)
8-307. **Conditions of permits.** Every person to whom a beer permit is issued shall agree to the following conditions:

1. The premises are declared to be a public place for the purpose of inspection by the beer inspectors, by officers of the police department or by any other duly authorized law enforcement officer.
2. The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to storing, sale, distribution by sale or gift or manufacture of beer, and shall permit the recorder or her duly authorized agents to inspect, at any time during the business hours of the day, all such articles, containers, packages, invoices, books, papers and memoranda as deemed necessary by the recorder to audit tax payments. (Ord. #03-04, May 2003, as amended by Ord. #07-09, Sept. 2007, and renumbered by Ord. #08-09, Dec. 2008)

8-308. **Permit to state location where sale is authorized.** The specific address or description of the premises where beer is authorized to be sold shall be stated on the face of each permit issued by the Pleasant View Beer Board. No permit shall be valid unless such address or description of the premises is stated on the face of the permit. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-309. **Location restrictions.**

1. No beer permit shall be issued to an applicant whose location is less than three hundred feet (300') from a church, house of worship, a school or its playground or a park. Distances shall be measured from the center of a public entrance of the school, church, or house of worship and by a straight line of travel which may be measured aerial to the center of the main entrance of the potential licensee. In the case of a park, distances shall be measured from the property line of the park and by straight line of travel to the center of the main entrance of the potential licensee.
2. No beer permit shall be issued for a location which fails to comply with any health ordinances or statutes or any which would violate the zoning ordinance. (Ord. #03-04, May 2003, as amended by Ord. #08-05, June 2008, renumbered by Ord. #08-09, Dec. 2008, and amended by Ord. #09-08, Jan. 2010, and Ord. #10-01, March 2010)

8-310. **On-premise consumption beer permit--issuance requirements.** It is the intent of this chapter to only issue permits for "on-premise" consumption of beer to restaurants for sale of beer along with meals. Establishments primarily selling beer for on-premise consumption and not food are prohibited from maintaining a permit for on-premise consumption.

1. Retailer on-premises consumption beer permits shall not be issued except to establishments with seating capacities for seventy-five (75) or more persons.
(2) Such businesses shall have complete and sanitary kitchen facilities. Such business shall be equipped with adequate toilet facilities and hand washing facilities, including hot and cold running water, for use by customers.

(3) Beer permits for on-premise consumption shall only be renewed to businesses maintaining an annual ratio of four dollars ($4.00) of gross sales for sales tax purposes for each one dollar ($1.00) of wholesale beer purchases. The calendar year, or the part thereof, ending on 31 December, shall be used for calculation of sales ratios. Each permit holder shall supply a sworn statement from his beer wholesaler for the previous year's sales and a copy of all sales tax returns for the previous calendar year at the time of application for beer permit renewal.

(4) All establishments selling beer for on premise consumption shall be connected to the public sanitary sewer and have adequate sanitary restrooms and kitchen facilities. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-311. Expiration of permits. No permit, issued by the Pleasant View Beer Board shall be valid for more than one (1) year from the date it is issued. Permits may be renewed automatically as provided in § 8-213 below. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-312. Permit nontransferable. Permits issued by the Pleasant View Beer Board shall not be transferred from one person to another. Where the holder of a permit desires to move his place of business from one location to another, he shall apply for a new permit for the new location and he shall surrender the permit for the location which he has abandoned. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-313. Annual privilege tax. Permits shall be automatically renewed upon receipt of an annual one hundred dollar ($100.00) privilege tax. The privilege tax shall be remitted to the city recorder each January 1. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice is mailed, whichever is later, then the town shall notify the permit holder by certified mail that if the tax is not paid within ten (10) days after receiving notice of its delinquency by certified mail, then the beer board may suspend or revoke the permit or impose civil penalties, as provided herein. 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. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-314. Suspension and revocation of permit—authority. The Pleasant View Beer Board shall have the power to revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it,
upon notice to the permittee and a hearing thereon, for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages or for any violation of any provision of this code or any other ordinance of the Town of Pleasant View, or when the permittee:

1. Operates a disorderly place of business;
2. Permits gambling on the premises; excepting a state approved lottery;
3. Permits boisterous or disorderly conduct on the premises;
4. Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude;
5. Permits minors to loiter or congregate about the premises;
6. Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business on the same premises, unless he shall notify the board in writing immediately upon such sale or transfer, and shall surrender his license within thirty (30) days after the sale or transfer;
7. Has made a false statement of a material fact in any application or notice to the board;
8. Sells or allows to be sold on the premises of the permittee any beer to any person under the age of twenty-one (21) years; or
9. Sells or allows to be sold on the premises of the permittee beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer.

(10) The permit may be revoked when a permittee violates any state law or local ordinance related to the sale or storage of beer three (3) times within a ten (10) year period.

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 may 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.

(11) Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises by the same business enterprise or its employees operating the premises until after the expiration of one (1) year from the date the revocation becomes final and effective. No permit shall be issued to a partner, employee, associate or relative of the holder of a revoked permit. Other totally unrelated persons shall be eligible to apply for a permit for that location but issuance shall be at the sole discretion of the beer board.
8-315. Prohibited acts—generally. It is unlawful for any person:
(1) To bring, to cause, or to allow to be brought onto the premises of any permittee under the provisions of this chapter, any prohibited drugs within the meaning of Tennessee Code Annotated §§ 53-10-101, et seq., and 39-17-401, et seq., and any intoxicating beverage, the alcoholic content of which is in excess of five percent (5%) by weight;
(2) Being under the age of twenty-one (21) years, to have in his possession beer for any purpose, except that any person eighteen (18) years of age or older may transport, possess, sell or dispense alcoholic beverages in the course of employment. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-316. Draft beer defined—off premises consumption sales.
(1) Draft beer may be sold for off-premises consumption only by the holder of an off-premises beer permit.
(2) Draft beer means beer which is poured from a pressurized container or keg into a container approved by the State of Tennessee, which is then commercially sealed. The process of pouring the beer into the container and commercially sealing it shall take place on the premises of the retailer in an area separate from the area which the public may use. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-317. Prohibited acts—by permit holders, agents or employees. It is unlawful for any beer permit holder or his agent or employee:
(1) To make or permit to be made any sale of beer to a person under twenty-one (21) years of age or to allow such persons to loiter or stay around the premises without their parent;
(2) To sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from 3:01 A.M. to 10:00 A.M. on Sundays or between 3:01 A.M. and 6:00 A.M. on other days.
(3) To make false statement of a material fact in the application for any beer permit;
(4) To operate a disorderly place;
(5) To permit boisterous or disorderly conduct on the premises;
(6) To sell or transfer the equipment or assets of the business authorized by the permit to another for the purpose of continuing the business on the same premises, unless he shall notify the board in writing immediately upon such sale or transfer, and unless he shall give the name and address of the purchaser within the notice. A beer permit holder shall surrender his license to the board within thirty (30) days after the sale to transfer is consummated;
(7) Make or allow any sale to any intoxicated person or to any feeble 
minded, insane or otherwise mentally incapacitated person;
(8) Allow any intoxicated person to loiter on or about the premises;
(9) For a retailer or wholesaler, to store beer in any place other than 
the address listed on their permit;
(10) To sell or allow to be sold on the premises of the permittee beer to 
any person using food stamps issued pursuant to state and federal law for the 
purchase of such beer;
(11) To sell beer through any drive-through or delivery window or by 
curb service or to deliver beer off-premises to the consumer;
(12) To fail to post their beer license and a copy of the beer laws in a 
conspicuous location. (Ord. #03-04, May 2003, modified, as amended by 
Ord. #07-09, Sept. 2007, renumbered by Ord. #08-09, Dec. 2008, and amended 
by Ord. #11-07, Sept. 2011)

8-318. **Permitted activities.** It is lawful to transport, store, sell, 
distribute, possess, receive and manufacture beer within the Town of Pleasant 
View, subject to all regulations, limitations and restrictions provided in this title 
and the rules adopted by the Pleasant View Beer Board. (Ord. #03-04, May 
2003, as renumbered by Ord. #08-09, Dec. 2008)

8-319. **Restrictions on sales by wholesalers.** It is unlawful for any 
wholesaler to sell beer to anyone other than a person, corporation, association 
or partnership holding a license for resale by the Pleasant View Beer Board and 
possessing a sales tax number. (Ord. #03-04, May 2003, as renumbered by 
Ord. #08-09, Dec. 2008)

8-320. **Limitations on purchases.** No person, except an authorized 
wholesaler, may sell or store beer within the Pleasant View area unless such 
beer has been purchased from an authorized wholesaler. (Ord. #03-04, May 
2003, as renumbered by Ord. #08-09, Dec. 2008)

8-321. **Retail sales and storage—permit location only.** Retailers 
holding permits to sell beer are authorized to sell and store beer at only the 
location authorized by the beer board and specifically designated on their permit 
as the place for which the permit is issued. The sale or storage of beer by a 
retailer at any place other than the location authorized by the board and 
specifically named on the face of the permit is prohibited. (Ord. #03-04, May 
2003, as renumbered by Ord. #08-09, Dec. 2008)

8-322. **Retailers may not deliver beer.** (1) Retailers holding permits 
from the beer permit board are only authorized to deliver beer on the premises 
for which the permit is issued. The delivery of beer by a retail permit holder to 
any place other than the premises for which his permit is issued is strictly
prohibited. No retail permit holder shall enter into any agreement or conspire with any person to cause beer to be delivered off of the premises for which the permit is issued or at any location other than the one authorized by the permit for the sale of beer.

(2) It shall be unlawful for any holder of a retail beer permit to knowingly permit the purchase of beer at the place of business by anyone for resale and delivery to another. Holders of retail beer permits issued by the board are prohibited from selling beer to any person when the retail permit holder knows or should have reason to know that such beer is purchased for resale and delivery off of the premises for which the permit is issued. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-323. Resale prohibited. It is unlawful for any retailer holding a permit issued by the beer permit board to purchase, accept as a gift or loan, or to receive, swap or exchange beer for the purpose of resale, from any person who is not the holder of a valid wholesale permit issued by the board. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-324. Revocation of permit for closed premises. Any person who has been issued a beer permit from the beer permit board shall remain in business in order to maintain a license. If, for any reason, the licensed premises shall be closed for a period of at least one (1) month, the beer permit board shall automatically revoke the beer permit. (Ord. #03-04, May 2003, as renumbered by Ord. #08-09, Dec. 2008)

8-325. Prohibited acts or conduct—enforcement authority. (1) The beer permit board shall revoke or suspend the beer permit of any permit holder, upon notice and hearing, for violation of the provisions of Tennessee Code Annotated, § 57-4-204, or any other state statute or ordinance regulating alcoholic beverages or conduct at places selling alcoholic beverages.

(2) The board is vested with full power to investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked for violation of a law, rule or regulation.

(3) Complaints filed against any permit holder for the purpose of suspending or revoking the permit shall be made in writing and filed with the city recorder.

(4) The Pleasant View Police Department, or its designee, shall serve notice of any complaint upon the permit holder by personal service.

(5) Any finding of the board shall be subject to review by a statutory writ of certiorari with a trial de novo as a substitute for an appeal. Unless the
circuit judge or chancellor orders otherwise, the action of the board shall remain in effect until modified by the chancery or circuit court.¹

(6) Civil penalty in lieu of revocation or suspension.

(a) 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.

(b) 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. (Ord. #03-04, May 2003, as amended by Ord. #07-09, Sept. 2007, and renumbered by Ord. #08-09, Dec. 2008)

8-326. 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. (as added by Ord. #07-09, Sept. 2007, and renumbered by Ord. #08-09, Dec. 2008)

¹State law reference
Tennessee Code Annotated, § 57-5-108(d).