

TITLE 2

Ordinance 2006-35 / August 14, 2006

Amended by: Ordinance 2007-07 / February 6, 2007

Amended by: Ordinance 2007-51 / March 26, 2007

ALCOHOLIC BEVERAGES¹

CHAPTER

1. **INTOXICATING LIQUORS.**
2. **BEER.**

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- | | |
|-----------------|---|
| 2-1-101. | Prohibited generally. |
| 2-1-102. | Brown Bagging. |
| 2-1-103 | Sale of Wine and Alcohol Beverages for Consumption on Premesis |
| 2-1-104 | Privilege Tax. |

2-1-101 Prohibited generally.

Except as authorized by applicable laws or ordinances (including Section 2-1-103 below), it shall be unlawful for any person to manufacture, sell, or solicit orders for any intoxicating liquor within the City of Mount Juliet. "Intoxicating liquor" is defined to include whiskey, "home brew", "moonshine", and all other beverages containing alcohol except beer or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight or less. *(amended Ordinance 2001-03)*

2-1-102 Brown Bagging.

No business may allow the public consumption of beer on its property except those businesses holding a valid license for "on-premise" consumption of beer. No

¹ For provisions prohibiting minors in beer places and prohibiting drinking beer, etc., on the streets, etc., see title 10 of this code.

business may allow the public consumption of wine or intoxicating liquor on its property except those businesses holding a valid license for “on-premise” consumption of wine or alcoholic beverages issued by the Alcoholic Beverage Commission. No guest or customer shall be allowed to bring beer, wine or alcoholic beverages on the premises of such business. It shall be a violation of this code by both the business and the customer or guest for a customer or guest to possess or consume any alcoholic beverage on the premises of the business which has not been sold by the business for “on-premise” consumption. *(amended Ordinance 2001-03)*

2-1-103 Sale of Wine and Alcoholic Beverages for Consumption on Premises.

Notwithstanding Section 2-1-101 above, it shall be lawful to sell wine and alcoholic beverages (as defined in Tennessee Code Annotated Section 57-4-102) to be consumed on the premises of any establishment which is authorized to do so pursuant to Tennessee Code Annotated Section 57-4-101, provided that the owner of such establishment has obtained a permit to do so from the Tennessee Alcoholic Beverage Commission. *(amended Ordinance 2001-03)*

2-1-104 Privilege Tax Levied.

Section 1. There is hereby levied on every person who engages in the business of selling at retail alcoholic beverage for consumption on premises within the City of Mt. Juliet, Tennessee, an annual privilege tax in the amount allowed under Tennessee Code Annotated § 57-4-301, and any amendments thereto.
(amended Ordinance 2006-09, dated 3/13/06)
(amended Ordinance 2007-51, dated 3/26/07)

Section 2. It shall be the responsibility of the City Recorder to insure that the city receives its share of the fifteen percent (15%) tax levied on the gross sales of wine and alcoholic beverages sold at retail for consumption on premises and collected by the Commissioner of Revenue under Tennessee Code Annotated Section 57-4-301(c), and distributed to the state and its political subdivisions under Tennessee Code Annotated Section 57-4-306.

(Amended by Ordinance 2001-03 dated 1/8/01)

CHAPTER 2

BEER PERMIT BOARD

Sections:

2-2-010. Established

2-2-020. Membership - Terms.

2-2-030. Election of officers - Term.

2-2-040. Meetings - Quorum required - Minutes and transcript.

2-2-050. Powers and duties.

2-2-060. Inspectors - Authority.

2-2-010 Established.

A beer permit board is created and designated the Mt. Juliet Beer Permit Board.

2-2-020 Membership - Terms.

The Mt. Juliet Beer Permit Board shall consist of five members, to be appointed by the mayor and approved by the city commission. Members shall serve terms of five years each and must be residents of Mt. Juliet at all times they are members of the board. Any vacancy other than the expiration of a term shall be filled for the remainder of the term. The members presently constituting the Mt. Juliet beer board shall continue to serve as the Mt. Juliet Beer Permit Board. Their terms shall expire in the order of their appointment to the board commencing 1 April 1997 with one position expiring each year.

(ord 2006-35 dated 8/14/06)

2-2-030 Election of officers - Term.

The Mt. Juliet Beer Permit Board shall organize by the election of a chairman and a vice-chairman, who shall serve for a period of one year or until a successor is chosen.

2-2-040 Meetings - Quorum required - Minutes and transcript.

A. The Mt. Juliet Beer Permit Board shall convene when called by the chairman. All members and the local press shall receive at least 48 hours notice before a meeting.

B. 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.

C. 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.

D. No transcript of the proceedings had before the board shall be in any form other than narrative, unless the board shall have been requested to provide for an exact copy of the testimony by an interested party a least twenty-four hours prior to a board meeting. The cost of an exact copy shall be borne by the person requesting the same.

2-2-050 Powers and duties.

A. The Mt. Juliet Beer Permit Board shall have jurisdiction of licensing, regulation and control of transportation, storage, sale, distribution, possession, receipt and manufacture of alcoholic beverages in Mt. Juliet.

B. The Mt. Juliet Beer Permit Board may promulgate such bylaws, rules and regulations not inconsistent with state law, the Charter, or any ordinance, as it deems appropriate for the conduct of its business. 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 Mt. Juliet recorder and shall be available to the public.

2-2-060 Inspectors - Authority.

The Mt. Juliet Police, City Manager or his designee and beer permit board members are empowered to inspect the premises and operations of permittees.

CHAPTER 3

BEER AND ALCOHOLIC BEVERAGES OF LESS THAN FIVE PERCENT²

SECTION

- 2-3-010. Definitions**
- 2-3-020. Permit Required.**
- 2-3-030. Permits.**
- 2-3-040. Application - Requirements and conditions.**
- 2-3-050. Application - Police record check.**
- 2-3-060. Application - renewal - change in on-premises management.**
- 2-3-070. Conditions of permits.**
- 2-3-080. Permit to state location where sale is authorized.**
- 2-3-090. Location restrictions.**
- 2-3-100. On-premise consumption beer permit - Issuance requirements.**
- 2-3-110. Expiration of permits.**
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- 2-3-130. Renewal of Permit.**
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- 2-3-150. Prohibited acts - Generally.**
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- 2-3-230. Resale prohibited when.**
- 2-3-240. Revocation of permit for closed premises.**
- 2-3-250. Prohibited acts or conduct - Enforcement authority.**

2-3-010 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them by this section. "Beer" means any alcoholic beverage containing five percent or less alcohol by weight.

"Church" means a building or property where a congregation regularly meets at least one day per week for religious worship.

"Beer board" or "board" means that administrative body organized and empowered under the authority to Tennessee Code Annotated, Section 57-5-108 and created by Section 2-2-010 of this code.

²For general business regulations, see Title 5; for applicable tax provisions, see title 6; for miscellaneous provisions prohibiting minors in places selling beer and prohibiting drinking beer on streets, etc. see title 10.

“Caterer” means a business engaged in offering food and beverage service for a fee at various locations, which (1) operates a restaurant for which there is an on-premise permit; (2) has a complete and adequate commercial kitchen facility; and (3) is licensed as a caterer by the Tennessee Department of Health.

“Minor” with respect to purchasing, consuming or possessing beer means any person who has not attained the age of twenty-one years.

“Park” means a place or property either owned or maintained by Mt. Juliet or by a governmental entity where persons regularly gather for recreational purposes or as spectators.

“Permit” means any permit issued pursuant to this chapter.

“Permittee” means any person to whom any permit has been issued pursuant to this chapter.

“Premises” means the building and property that is subject to a permit to issue beer under this Chapter and over which the owner and/or lessee has control.

“Resident” means any person who at present is living within Mt. Juliet, Wilson County, Tennessee with the intent that his permanent home shall be within such city.

“Retailer” means any person licensed by the Mt. Juliet beer permit board who sells beer for consumption and not for resale.

“Retailer off-premises permit” means a permit issued by the Mt. Juliet beer permit board to a retailer engaged in the sale of beer which is not to be consumed by the purchaser upon the premises of such permittee.

“Retailer on-premises permit” means a permit issued by the Mt. Juliet beer permit board to a retailer engaged in the sale of beer which is to be consumed by the purchaser only upon the premises of such permittee.

“Retailer special events permit” means an on-sale beer permit issued by the Mt. Juliet beer permit board to a retailer engaged in the sale of beer in conjunction with activities which will last for a specified period of time, including, but not limited to, fairs, bazaars, and similar public or private social events.

“School” means an institution, including kindergarten, where regular classes are conducted under the supervision of a teacher or instructor, including schools or colleges where specialized subjects are taught to students of all ages.

“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.

2-3-020 Permit Required.

No person shall sell, store for resale, distribute, or manufacture beer within the City of Mt. Juliet, Tennessee, without a valid annual permit issued by the Mt. Juliet Beer Permit Board.

2-3-030 Permits.

No person shall sell, store for resale, distribute, or manufacture beer in Mt. Juliet, without a permit issued by the Mt. Juliet beer board. The following types of permits may be issued by the Mt. Juliet beer board:

- A. Wholesaler’s permits may be issued to distributors, manufacturers, brewers selling directly to retailers.
- B. A retailer’s “off-premises” 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.
- C. A retailer’s “on-premises” 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, motels, clubs, golf courses and restaurants in which beer sales are subsidiary to the primary business conducted on the site.
- D. A retailer’s combined 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 or off of the premises of the seller. Holders of a combined permit shall comply with all rules and applicable to on-site and off-site permittees.
- E. A retailer’s special events permit may be issued to any person engaged in the sale of beer for consumption by the purchaser upon the premises of the seller for a specified period of time in conjunction with fairs, bazaars, golf tournaments and similar public or private social events provided adequate sanitation, security and crowd control is provided by the organizer.

2-3-040 Application - Requirements and conditions.

A. The owner of any business desiring to sell, distribute or store beer within the City of Mt. Juliet 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. Drawings shall be done to scale in a professional manner. 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.

B. To be eligible for a permit, the applicant shall establish the following:

1. That no beer will be sold except at places where such sale will not cause congestion of traffic or inference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals
2. That no sale shall be made to persons under twenty-one years of age;
3. That no person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent ownership interest in the establishment has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten years; and,
4. That no sale shall be made for on-premise consumption unless the permit so states.

C. An applicant shall disclose the following information in the application:

1. Name of the applicant.
2. Name of applicant's business and whether the applicant is a person, partnership, corporation, limited liability company or association.
3. Location of business by street address and map and parcel and telephone number at the location.
4. If beer will be sold at two (2) or more restaurants or other businesses as provided by T.C.A. 57-5-103(a)(4), a description of all such businesses.
5. Persons, firms, corporations, joint-stock companies, syndicates, partnerships, limited liability companies or associations having at least a five percent (5%) ownership in the applicant, together with addresses and telephone numbers and social security numbers and tax ID numbers.

6. Identity and address and telephone number of a representative to receive annual tax notices and other communication from Mt. Juliet.

7. Whether any person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent ownership interest in the applicant or any person employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten years;

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

9. The name, address and telephone number of the owner of the property.

10. 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.

D. An applicant or permit holder shall amend or supplement the information provided in its application promptly if a change in circumstances affects the responses in its application.

E. Any applicant making any false statement in an application shall forfeit his permit, and shall not be eligible to receive any permit for a period of ten years.

F. Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndicate, or association.

2-3-050 Application - Police record check.

The city recorder shall submit all applications to the Mt. Juliet Police Department for a records check prior to time of the beer board meeting at which the application will be considered.

2-3-060 Application - renewal - change in on-premises management.

A. All applications for permits shall be accompanied by an application fee of \$250.00 for use in offsetting the expense of investigating the applicant and processing the applicant. No portion of the fee shall be refunded to the applicant even if the application is denied. (See T.C.A. 57-5-104)

B. All beer permit holders shall pay an annual privilege tax and fee of \$100.00 for the privilege of selling beer within the state, pursuant to Tennessee Code Annotated Section 57-5-104(b)(1).

1. Any person, firm, corporation, joint-stock company, syndicate or association engaged in selling, distribution, storing or manufacturing beer shall remit the tax on each successive January 1st to the Mt. Juliet beer permit board.

2. The Mt. Juliet beer permit board shall mail written notice to each permit holder of the payment date of the annual tax at least thirty days prior to January 1st of each year. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31st or within thirty days after written notice of the tax was mailed, whichever is later, then the Mt. Juliet beer permit board shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten days after receiving notice of its delinquency by certified mail, then the permit may be suspended, revoked or the permit holder may be given a civil penalty subject to procedures set forth at Tennessee Code Annotated § 57-5-108 and Section 2.3.140 of this chapter.

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 tax payment date.

C. All applications for the issuance of permit for the change in management of an establishment licensed by Mt. Juliet shall be accompanied by a change in management fee of \$100.00

2-3-070 Conditions of permits.

Every person to whom a beer permit is issued shall agree to the following conditions:

A. 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.

B. 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.

C. The permit holder shall display all permits in a conspicuous place together with all other permits and licenses required by law.

2-3-080 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 Mt. Juliet Beer Permit Board. No permit shall be valid unless such address or description of the premises is stated on the face of the permit.

2-3-090 Location restrictions.

A. No beer permit for on-premise consumption shall be issued to an applicant whose location is less than five hundred (500) feet from a school, church, house of worship, or Municipal Park. The minimum distance requirement for a beer permit for off-premises consumption shall be one hundred (100) feet from a school, church, house of worship, or Municipal Park. Distance for on-premise and off-premise shall be measured from the center of the nearest permanent entrance of the school, church, house of worship, or Municipal Park along a straight line to the center of the main entrance of the potential licensee. (*Ord. 85-17; dated 10-7-85; Amended Ord. 98-37, dated 10-5-98; Amended Ord. 02-20, dated 6/17/02, Amended Ord. 03-12, dated 2/10/03*)

B. No beer permit shall issue for a location which fails to comply with any health ordinances or statutes or any which would violate the zoning ordinance.

C. 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 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 if the relationship existed at the time of the offense. 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.

D. No permit shall issue to an applicant who had revoked, within ten (10) years, a permit for the sale of alcoholic beverages.

2-3-100 On-premise consumption beer permit - Issuance requirements.

It is the intent of this ordinance 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.

A. Retailer on premises consumption beer permits shall not be issued except to establishments with seating capacities for ninety-five (95) or more

persons except for those holding a valid on premise permit on or before 6/17/02 shall be required to maintain a seating capacity seventy-five (75) or more persons. *(Amended Ord. 02-20 dated 6/17/02)*

B. Such businesses shall have complete and sanitary kitchen facilities. Such businesses shall be equipped with adequate toilet facilities and hand washing facilities, including hot and cold running water, for use by customers.

C. Required ratio of gross sales to wholesale beer purchases.

1. Beer permits for on-premise consumption shall only be renewed to businesses maintaining an annual ratio of (\$5.00) five dollars of gross sales (excluding all sales dollars of intoxicating liquor on or after the effective date of the passage of this ordinance) for each (\$1.00) dollar of wholesale beer purchases, except for those holding a valid on premise beer permit on or before 6/17/02 shall be required to maintain (\$4.00) four dollars of gross sales (excluding all sales dollars of intoxicating liquor on or after the effective date of the passage of this ordinance) for each (\$1.00) dollar of wholesale beer purchases. *(Amended Ord. 02-20 dated 6/17/02)*

2. The calendar year, or the part thereof ending on 31 December, shall be used for the calculation of sales ratios.

3. The calculation of the ratio shall be made using the sales tax returns required in Section 2-3-130 (C) after subtracting the gross sales of intoxicating liquor using the tax returns required in Section 2-3-130 (D) and comparing the difference to the wholesale dollar sales reported as required in Section 2-3-130 (E).”*(Amended by Ordinance 2001-17 dated 7/2/01)*

D. All establishments selling beer for on premise consumption shall be connected to the public sanitary sewer and have adequate sanitary restrooms and kitchen facilities.

2-3-105 Caterer’s Permit – Issuance and notice requirements – Location restrictions.

In addition to the other requirements of this chapter:

A. No caterer’s permit shall be issued to a person who does not hold a valid caterer license from the state alcoholic beverage commission for sale and consumption of wine and other alcoholic beverages pursuant to Chapter 4 of Title 57 of the Tennessee Code Annotated. Should the holder of a caterer’s permit

cease to hold a valid caterer license from the state alcoholic beverage commission, such caterer's permit shall be automatically deemed revoked by the board.

B. No caterer's permit shall be issued to a person who does not hold a valid retailer's "on-premises" permit for a restaurant issued pursuant to the provisions and requirements of this chapter, including the location restrictions specified in Section 2-3-090.

C. All caterer's permit holders shall be required to give advanced notice to the board of each site for which beer will be sold and consumed. Such notice shall include, but not be limited to, the date, time, and location of the event.

D. No caterer's permit shall be valid for the sale and consumption of beer on any premises for which a retailer's "on-premises" permit has been revoked within the past twelve-month period, nor shall a caterer's permit be used for the sale and consumption of beer on any premises owned or leased by a person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent ownership interest in the establishment that has had a retailer's "on-premises" permit revoked within the past twelve-month period.

2-3-110 Expiration of permits.

No permit, issued by the Mt. Juliet Beer Permit Board shall be valid for more than one year from the date it is issued.

2-3-120 Permit nontransferable.

Permits issued by the Mt. Juliet Beer Permit 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.

2-3-130 Renewal of Permit.

A. "Permits shall be renewable annually between January 1st and January 31st. If an application for renewal is not received by January 31st, the beer permit shall lapse and the holder shall have to reapply as a new applicant and pay all applicable fees.

B. A complete, accurate, and updated application shall be submitted each year for the renewal of all beer permits.

C. A copy of all sales tax returns for the previous calendar year shall be included with all applications for the renewal of on-premise consumption permits.

D. If the beer permit holder also holds a state ABC permit for liquor-by-the-drink, then a copy of all liquor-by-the-drink tax returns for the previous calendar year shall be included with all applications for the renewal of on-premise consumption permits.

E. A summarized statement of total dollar sales to each retail location with a beer permit issued by the City of Mt. Juliet shall be included with all applications for the renewal of wholesale permits.” *(Amended by Ordinance 2001-17 dated 7/2/01)*

2-3-140 Suspension and revocation of permit - Authority.

The Mt. Juliet Beer Permit 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 Mt. Juliet, or when the permittee:

- A. Operates a disorderly place;
- B. Permits gambling on the premises;
- C. Permits boisterous or disorderly conduct on the premises;
- D. Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude;
- E. Permits minors to congregate about the premises;
- F. 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;
- G. Has made a false statement of a material fact in any application or notice to the board;
- H. 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
- I. 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.

Comment [JH1]: Not in Metro ordinance

2-3-150 Prohibited acts - Generally.

It is unlawful for any person:

A. 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, Sections 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 (13%) by weight, unless such permittee is the holder of a valid license issued under the authority of Tennessee Code Annotated, Title 57, Chapter 4;

B. 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.

2-3-160 Draft beer defined - Off premises consumption sales.

A. Draft beer may be sold for off-premises consumption only by the holder of an off-premises beer permit.

B. "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.

2-3-170 Prohibited acts - By permit holders, agents or employees.

It is unlawful for any beer permit holder or his agent or employee:

A. To employ any person convicted for the possession, sale, manufacturing or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten years;

B. 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 person to loiter or stay around the premises without their parent. The burden of ascertaining the age of minor persons shall be on the permit holder and his agent or employee.

C. To sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from 2 a.m. to 12 noon on Sundays or between two a.m. to six a. m. on other days.

D. To make false statement of a material fact in the application for any beer permit;

Comment [F&L2]: To allow any person under eighteen years of age to loiter or congregate about the premises. The burden of ascertaining the age of minor persons shall be on the permit holder and his agent or employee. When a minor is seated at a table, there shall be no beer served at the table unless such minor is accompanied by one or both of his parents, but only if served in conjunction with food;

E. To knowingly allow beer to be passed from a lawful purchaser or possessor to a minor for consumption on the premises of the permit holder. The burden of ascertaining the age of persons who may not lawfully possess beer shall be on the permit holder and his agent or employee

F. To permit gambling or gaming devices of any kind or description contrary to state law on the premises;

G To permit boisterous or disorderly conduct on the premises;

H. 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;

I. To make or allow any sale to any intoxicated person or to any mentally incapacitated person;

J. Allow any intoxicated person to loiter on or about the premises;

K. For a retailer or wholesaler, to store beer in any place other than the address listed on their permit;

L. 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.

M. To sell beer through any drive-through or delivery window or by curbside service or to deliver beer off premises to the consumer.

N. To fail to post their beer license and a copy of the beer laws in a conspicuous location.

O. For a retailer to knowingly sell to a lawful purchaser who purchases beer for consumption by a minor. The burden of ascertaining the age of persons who may lawfully possess beer shall be on the permit holder and his agent or employee.;

P. To knowingly permit an individual to engage in any criminal activity on the premises.

2-3-180 Permitted activities.

It is lawful to transport, store, sell, distribute, possess, receive and manufacture beer within Mt. Juliet, subject to all regulations, limitations and restrictions provided in this title and the Rules adopted by the Mt. Juliet Beer Permit Board.

2-3-190 Restrictions on sales by wholesalers.

It is unlawful for any authorized wholesaler to sell beer to anyone other than a person, firm, corporation, syndicate or association having been authorized and licensed by any city or county as a retailer by a board duly created for the purpose of licensing retail establishments. Provided, however, if a retail business has posted a beer permit, which on its face appears to be valid, a wholesaler who sells beer to the retail business will not be deemed to have violated the provisions of this section.

2-3-200 Limitation on purchases.

No person, except an authorized wholesaler, may sell or store beer within the Mt. Juliet area unless such beer has been purchased from an authorized wholesaler.

2-3-210 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 permit 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.

2-3-220 Retailers may not deliver beer.

A. 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 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.

B. 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.

2-3-230 Resale prohibited when.

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.

2-3-240 Revocation of permit for closed premises.

A permit holder must return his permit to the board within forty-five days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided that, regardless of the failure to return a beer permit, a permit shall expire upon termination of the business, change in ownership, relocation of the business or change of the business's name.

2-3-245 Valid permit - Limitations

A permit shall be valid:

A. Only for a single location, except as provided in subsection E. of this section, and cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business.

B. Only for a business operating under the name identified in the application.

C. Only for the owner to whom the permit is issued and cannot be transferred to another owner. Should the ownership of a location change, the new owner shall apply for a new permit. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent of the stock of the corporation is transferred to a new owner. If the owner is a Limited Liability Company a change in ownership shall occur if there is a new general partner or a change in a limited partner having a forty percent or greater interest in the partnership.

D. A business can sell beer for both on-premises and off-premises consumption at the same location pursuant to one permit.

E. A caterer's permit is valid for each catering site, provided that the notice requirements of Section 2-3-105 (C) are met.

2-3-250 Prohibited acts or conduct - Enforcement authority.

A. 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 T.C.A. 57-4-204 or any other state statute or ordinance regulating alcoholic beverages or conduct at places selling alcoholic beverages. Revocation,

suspension or imposition of a civil penalty may be made where it appears satisfactorily that the premises of any person, firm or corporation holding a beer permit under this chapter are being operated in such manner as to be detrimental to public health, safety and morals.

B. 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.

C. 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.

D. The Mt. Juliet Police Department shall serve notice of any complaint upon the permit holder by personal service.

E. The action of the board in connection with the issuance of any order revoking or suspending a beer permit or imposition of a civil penalty may be reviewed by statutory writ of certiorari, with a trial de novo as a substitute for an appeal, the petition of certiorari to be addressed to the circuit or chancery court of Wilson County. The procedures in Tennessee Code Annotated Section 57-5-108 are the sole method for review of decisions under this section, as they may be amended.

F. Except as provided in subparagraph (g) below, pursuant to TCA 57-5-108 the board may, at the time it imposes a revocation or suspension, offer a permit or license holder the alternative of paying a civil penalty not to exceed one thousand five hundred dollars (\$1,500) 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) 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. The holder's payment of a civil penalty shall not affect the holder's ability to seek review of the civil penalty.

G. The board shall *suspend* a permit for a minimum ninety (90) day period when the permittee has been determined by a court of competent jurisdiction to have violated any provision of this chapter on three or more occasions. Where two or more violations have occurred at the same establishment, the Board may consider past violations at this same establishment in determining whether to revoke or suspend a permit or in assessing a civil penalty.

Amended Section 2-3-250 (g) Ordinance 2007-07 (revoke to suspend)

BEER PERMIT APPLICATION

CITY OF MT. JULIET

- On Premise Consumption (Seating/Parking Chart Required)
- Off Premises Consumption
- Joint Off-On Premise Consumption (/Seating/Parking Chart Required)
- Special Events Permit
- Distributor's Wholesale Permit
- Manufacturer's Permit
- Caterer's Permit

Fees & Taxes

\$250.00 Non-Refundable Fee required when application is submitted (new applicant)

\$100.00 Privilege Tax, on a pro rata basis (T.C.A. Section 57-5-104 (5) (new applicant)

\$100.00 Privilege Tax, (T.C.A. Section 57-5-104 (b) (1) (to renew the Beer Permit each January)

Applicant Information

I hereby make application for a permit to sell, store, distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provisions of Tennessee Code section 57-5-101 et seq. and Title 2 of the Mt. Juliet Code and base my application on the answers to the following questions.

- 1. Applicant information:
 - (a) Full name of the applicant (Please Print)
_____.
 - (b) Entity: Person; Partnership; L.L.C.; Corporation;
 Association.

(c) Under what name will the business operate?

Telephone Number: _____

(d) Address of business

(e) Previous business addresses for the last ten years:

(f) Name of previous business:

(g) Identity and address of the person to receive annual privilege tax notices?

(h) Will applicant permit dancing or any other entertainment?

Yes; No.

(i) Has any license belonging to an owner, manager or the applicant for sale of alcoholic beverages been revoked within the last ten years? Yes; No.

(j) Will applicant serve food? Yes; No.

(k) What is the relationship of the applicant or its owners to the operator of prior businesses operating at the same address?

(l) Does applicant hold any other beer permits?

Yes; No. If yes, where?

(m) What is the property zoned?

2. Owner - Operator Information:

If the applicant is not an individual person list all persons or legal entities having 5% or more interest in the applicant, together with the following information about them:

a. What is your present home address?

b. What previous addresses have you occupied within the last ten years?

c. Date of Birth _____ Social Security Number

d. Have you or any owner been convicted of any violation of a criminal law regarding alcoholic beverages within the last ten (10) years? Yes;

No. Other criminal law? Yes; No.

3. Designate and list the persons who will be in charge of the premises in the absence of the applicant.

4. Are you and each of the persons named in paragraph 3 familiar with Title 2 of the Mt. Juliet Code and Title 57 of the Tennessee Code?

5. Do you lease or own the premises? _____ Lease _____ Own
Provide a copy of the lease or deed evidencing your interest in the property.

I have read the City of Mt. Juliet rules and regulations governing the issuance of a beer permit and agree to comply with all laws, ordinance and regulations governing my beer permit. I further stat that the information contained in this application is true and correct and, acknowledge that in the event I have provided false information my permit may be immediately revoked. I authorize the City of Mt. Juliet to check my record for criminal and civil violations and to run a credit check. I waive my right to privacy and authorize a complete check of my background for the purpose of determining the accuracy of the information provided in this application.

Sworn to and subscribed before me this _____ day of _____, 20__.

Signature of Applicant

Notary Public
Commission Expires: _____

Beer Board meetings are held on the 2nd Tuesday of each month at 6:30 p.m.

This application will be considered _____.