

Ordinance 2024-007

**AN ORDINANCE REPEALING TITLE 8, CHAPTER 1 ALCOHOLIC BEVERAGES
AND REPLACING WITH TITLE 8, CHAPTER 1 ALCOHOLIC BEVERAGES**

TITLE 8

INTOXICATING LIQUORS

LIQUOR AND WINE

SECTIONS

- 8-101. Alcoholic beverages subject to regulation.**
- 8-102. Privilege tax on retail sale of alcoholic beverages for on premises consumption.**
- 8-103. Definitions**
- 8-104. Certificate of compliance required prior to issuance of license.**
- 8-105. Location restrictions.**
- 8.106. Limitation on number of retail liquor stores.**
- 8.107. Full and accurate disclosure required.**
- 8.108. Inspection fee.**
- 8.109. Failure to pay inspection fee.**
- 8.110. Regulations for sale of alcoholic beverages.**
- 8.111. Manager may examine dealer's books, papers and records.**
- 8.112 Article not applicable to beer.**
- 8.113 Penalty.**

8.101. Alcoholic Beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, Title 57, Chapter 4, except and by rules and regulations promulgated thereunder, and as provided in this chapter.

8.102. Privilege tax on retail sale of alcoholic beverages for on premise consumption.

Pursuant to the authority contained in the Tennessee Code Annotated, Title 57, Chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption within the city. It is the intent of the City Council that the said Tennessee Code Annotated, Title 57, Chapter 4, inclusive, shall be effective in the City, the same as if said code sections were copied herein verbatim.

8.103. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage or beverage means and includes all alcohol, spirits, liquor, wine, high alcohol content beer and other liquids included in the definition of "alcoholic beverage" contained in T.C.A. § 57-3-101(a), as the same may be amended, supplemented or replaced.

Certificate or certificate of compliance means the certificate required pursuant to T.C.A. §§ 57-3-208 or 57-3-806, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this article for issuance of such a certificate.

License means a license issued by the alcoholic beverage commission of the state pursuant to T.C.A. §§ 57-3-204 or 57-3-803, as the same may be amended, supplemented or replaced, provided that the issuance of licenses shall be subject to the restrictions set forth in this article.

Licensee means any person to whom a license has been issued.

Retail sale means a sale to a consumer or to any person for any purpose other than for resale.

Retail food store means an establishment which is eligible for the issuance of a retail food store wine license by the alcoholic beverage commission of the state, pursuant to T.C.A. Title 57, Chapter 3, Part 8.

Retail liquor store means any business which is required to have a license for the retail sale of alcoholic spirituous beverages, including beer and malt beverages, under the provisions of T.C.A. Title 57, Chapter 3, Part 2.

Wholesale means a sale to any person for purposes of resale, except those sales by a Person licensed under T.C.A. § 57-3-204 to a charitable, nonprofit or political organization possessing a valid special occasion license for resale by such organizations pursuant to their special occasion license shall not be construed as such a sale.

Wholesaler means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of T.C.A. Title 57, Chapter 3.

Wine means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, as further defined by T.C.A. §§ 57-3-101 and 57-3-802, as the same may be amended, supplemented or replaced.

8.104. Certificate of compliance required prior to issuance of license. As a condition precedent to the issuance of a license by the state alcoholic beverage commission, an applicant for a license shall first obtain a certificate of compliance from the city, as provided below:

- (1) Retail liquor stores. Any person intending to apply for a state license for a retail liquor store shall first apply for a Certificate of Compliance from the city, to be issued by the City Council. The application for a certificate shall be in writing on a form furnished by the city recorder. The application shall identify the name and address of the owner of the property for which the certificate is sought, and shall be accompanied by evidence that the owner has agreed to allow the proposed retail store to be operated on the property upon issuance of a license. A fee, as set by the City Council, shall be paid upon submittal of the application. Applications will be considered in the chronological order in which they are received, and no consideration will be given to the fact that other applications have subsequently been received. The certificate shall be granted or denied by the city council within 60 days after the application for the certificate is submitted to the city recorder and, if granted, shall be signed by the mayor or a majority of the city council. A certificate of compliance for a retail liquor store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six months of the date of the certificate, or if the retail liquor store for which a certificate was granted is not in operation within 12 months following the issuance of the certificate; provided, however, that the city council may, upon written request of the applicant, extend the expiration date of a certificate for up to three additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this article are met at the time the new application is received. The mayor shall be authorized to issue a certificate of compliance required in connection with the renewal of an existing license pursuant to without deliberation by the full city council. If the mayor fails or refuses to issue a certificate required in connection with a license renewal, members of the city council may sign the certificate and the certificate shall be issued when a majority of the members have signed it.

- (2) Retail food stores. If the sale of wine at a retail food store is authorized by referendum approved by the majority of voters, any person intending to apply for a state license for such sale shall first apply for a certificate of compliance from the city, pursuant to T.C.A. § 57-3-208. The application for a certificate shall be in writing on a form furnished by the city recorder. Upon verification that the applicant meets the requirements of T.C.A. § 57-3-208(b), the mayor may issue the certificate without action by the city council. Alternatively, members of the city council may sign the certificate and the certificate shall be issued when a majority of the members have signed it. The certificate shall be granted or denied within 60 days after the application for the certificate is submitted to the city recorder. A certificate of compliance for the sale of wine at a retail food store shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the alcoholic beverage commission within six months of the date of the certificate, or if the retail food store for which a certificate was granted is not in operation within 12 months following the issuance of the certificate; provided, however,

that the mayor or a majority of the city council may, upon written request of the applicant, extend the expiration date of a certificate for up to three additional months in the event of circumstances beyond the applicant's control. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted and all applicable requirements of this article are met at the time the new application is received.

8.105. Location restrictions.

- (1) A certificate issued under this article for a retail liquor store or for the sale of wine at a retail food store shall be valid only for the premises proposed in the application and for the person or entity on the application, and any change of location of the business shall be cause for immediate nullification of the certificate. No certificate of compliance shall be issued for the operation of a retail liquor store or for the sale of wine at a retail food store where such store would be a prohibited use under the assigned zoning district in the city's zoning ordinance. Furthermore, no certificate shall be issued for a retail liquor store located within 250 feet of:
 - (a) Any structure or acreage used as a religious institution, park, school, or public library. "School" as used herein, shall not include private schools wherein only specialized subjects, such as music, art, cosmetology, computer skills or vocational occupations are taught.
- (2) The restrictions set forth herein as to locations apply to conditions existing as of the time the application for a certificate is filed, provided that proximity of a retail liquor store or retail food store to a religious institution, park, school, or public library shall not be grounds for revocation of a license or denial of a certificate if a valid license had been issued to any business at that same location, and the business has been in continuing operation since issuance of that license.
- (3) In determining the distances from any structure used as religious institution, park, school, or public library, the distance shall be measured from the nearest property line that such liquor store is located on to the nearest property line of uses listed in 8.105 (1) (a).

8.106. Limitation on number and size of retail liquor stores. There shall be no more than two (2) retail liquor license issued under this article within the city, provided further that no liquor store shall be nearer than one half mile to another liquor store. Any liquor store must have a minimum of 2000 square feet of internal floor area devoted solely to such store. This can include sales, display areas and storage areas, but all areas counted in the 2000 minimum square footage must be solely used for the store. The Store shall be required to comply with the site plan review and approval of the Planning Commission.

8.107. Full and accurate disclosure required.

- (1) Each application for a certificate required pursuant to section 8.104 herein shall identify each person who is to be in actual charge of the business and, if a corporation, each executive officer and each individual in control of the business. For the purposes of this

section, an individual who owns at least 50 percent of the stock of a business is considered to be in control of the business.

- (2) Misrepresentation of a material fact, or concealment of a material fact required to be shown in the application for a certificate, shall be a violation of this article. The city may refuse to issue a certificate if, upon investigation, the city finds that the applicant for a certificate has concealed or misrepresented in writing or otherwise any material fact or circumstance concerning the operation of the business, or if the interest of any person in the operation of the business is not truly stated in the application, or in case of any fraud or false statements by the applicant pertaining to any matter relating to the operation of the business. All data, written statements, affidavits, evidence or other documents submitted in support of an application are a part of the application.
- (3) If the provisions of this section are alleged to have been violated, the city may revoke any certificate which has been issued, after first providing an opportunity for the applicant or licensee to refute such allegations and/or to show cause why the certificate should not be revoked. Revocation of a certificate for a retail liquor store shall require a majority vote of the city council. The mayor may revoke a certificate for the sale of wine at a retail food store, provided that the applicant or licensee may appeal the revocation to the city council, which may reverse the mayor's action by majority vote.

8.108. Inspection fee. There is hereby imposed an inspection fee of five (5) percent of the wholesale price of alcoholic beverages supplied by wholesalers to licensees under this article. This fee shall be collected by the wholesaler making such sales, who shall remit the fees to the city at such times and in such manner as provided in T.C.A. § 57-3-503, accompanied by such forms and other information as the city manager or designee may prescribe. The wholesalers shall be allowed a fee of five percent of all sums so collected as compensation for services in collecting and remitting the fee.

8.109. Failure to pay inspection fee. Failure to collect or timely report and/or pay the inspection fee collected shall result in a penalty of ten (10) percent of the fee due the city. Whenever any person licensed under this article fails to account for or pay over to the city any inspection fee, the city manager or designee shall report the same to the city attorney, who shall immediately institute the necessary action for the recovery of any such inspection fee.

8.110. Regulations for sale of alcoholic beverages.

- (1) The sale and delivery of alcoholic beverages shall be confined to the premises of the licensee and curb or drive-through service is not permitted.
- (2) The liquor store shall comply fully with the sign regulations of the City and shall have sufficient working security cameras in place to monitor and record activity both externally on the property and inside the business.

8.111. Manager may examine dealer's books, papers and records. The city manager or designee is authorized to examine the books, papers and records of any wholesaler and dealer in this city for the purpose of determining whether the taxes and fees imposed by this article have been fully paid, and shall have the power to investigate and examine, according to law, any premises where any alcoholic beverage is possessed, or stored for the purpose of sale, or sold, for the purpose of determining whether the provisions of this article are being complied with.

8.112 Article not applicable to beer. No provision of this article shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation, etc., or tax upon beer or other liquids with an alcoholic content of five percent or less that are regulated under Chapter 2, Section 8 (Beer) of the municipal code.

8.111 Penalty. Any violation of the terms of this article shall be punishable by a fine as authorized under Eagleville Municipal Code Section 1-301 General Penalty, notwithstanding denial, revocation or suspension of any certificate or license by the city or state.

Approved by the Eagleville City Council on January 23, 2025; effective 15 days after passage.

Approved:



Chad Leeman, Mayor

ATTEST:



Christina Rivas, City Recorder

Passed First Reading: December 19, 2024

Passed Second Reading: January 23, 2025

APPROVED AS TO FORM:



Stephen Aymett, City Attorney