

July 15, 2014

City of Loretto Tennessee
Mr. Keith A. Smith
City Manager
415 North Military
Loretto, Tennessee 38469

VIA ELECTRONIC MAIL

Dear Mr. Smith:

Responsive to your request, please find enclosed temporary and special beer permit ordinances for the following cities:

- Brentwood
- Bristol
- Columbia
- Franklin
- Pulaski

I have also attached a copy of Title 8 of the Loretto Code of Ordinances for ease of reference. When referencing this document, please confirm that no changes have been made to Title 8 due to the age of the file copy.

Please let me know if you need further assistance regarding this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant

Brentwood Tennessee

Sec. 6-58. Temporary permits.

Temporary beer permits not to exceed 30 days' duration may be issued at the request of an applicant upon the same conditions governing permanent permits. Such a temporary permit shall not allow the sale, storage or manufacture of beer on publicly owned property, except that a temporary permit authorizing the sale of beer on public property may be issued to a bona fide charitable or nonprofit or political organization as defined in T.C.A. § 57-4-102, subject to the approval of the appropriate governmental authority charged with the management of such publicly owned property.

(Ord. No. 93-29, § 1(2-212), 7-26-93)

Bristol Tennessee

Sec. 6-149.5. - Temporary permits.

- (a) In addition to the off-premises and on-premises permits provided for in this article, the beer board shall have the authority to issue temporary permits for the sale, storage, dispensing, serving, distribution and/or manufacture of beer in the city for periods not to exceed a total of 30 days during a calendar year. A temporary permit may be issued by the beer board for scheduled sporting, recreation, amusement, dining, entertainment and other similar events and activities and shall specify with reasonable particularity the premises on which the permit shall be valid and the time or times during which the permit shall be valid. Temporary permits shall be issued upon the same conditions governing other permits except that the posting of a sign on the premises shall not be required as part of the application process, and the beer board shall determine and specify the terms and conditions for issuance of each temporary permit. Temporary permits may be issued for off-premises and/or on-premises consumption, but no such permit shall allow the sale, storage, dispensing, serving, distribution, or manufacture of beer on publicly owned or controlled property, or on public right-of-way, except as may be specifically authorized by the city council from time to time.
- (b) The beer board may issue a temporary permit of indefinite duration for scheduled events and activities at a motorsports facility having permanent fixed seating for at least 20,000 persons, and such a permit may authorize the sale, storage, dispensing, serving, distribution and/or manufacture of beer for periods not to exceed a total of 90 days during a calendar year.
- (c) The term of a temporary permit issued for a reoccurring event may be extended by the beer board for successive additional terms, not to exceed one year each, upon application of the holder and a showing satisfactory to the beer board that: (1) there has been no substantial change in status of the licensed premises or the eligibility of the holder since the permit was issued; (2) extending the term of the permit would not be detrimental to public health, safety or welfare; and (3) all applicable licenses have been obtained and fees paid. Such an application shall be filed with the secretary of the beer board prior to the expiration of the permit and at least 30 days prior to its consideration by the beer board.

(Ord. No. 96-52, § I, 1-7-97; Ord. No. 00-13, § I, 6-6-00; Ord. No. 07-23, 8-7-07; Ord. No. 11-21, 11-1-11)

Columbia Tennessee

8-213. Beer permits to be restrictive; special event permits.

(1) All beer permits shall be restrictive as to the type of beer business authorized under them. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his or her permit and application therefor.

(2) A special occasion beer permit may be issued by the beer board and is a permit which may be issued to a bona fide charitable, nonprofit or political organization. Such permit shall be issued for no longer than one (1) twenty-four hour period, subject to the hours of sale which may be imposed by law or regulation, and such permit may be issued in advance of its effective date. Such permit shall not be issued unless and until there shall have been paid to the City of Columbia for each such permit a permit fee of one hundred fifty dollars (\$150.00), and there shall have been submitted to the beer board an application which designates the premises upon which beer shall be served. No such charitable, nonprofit or political organization shall be eligible to receive more than two (2) special occasion licenses in any calendar year. For the purpose of this section "bona fide charitable or nonprofit organization" means any corporation which has been recognized as exempt from federal taxes under § 501(c) of the Internal Revenue Code (26 U.S.C.501(c)) or any organization having been in existence for at least two (2) consecutive years which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational or charitable purposes; "bona fide political organization" means any political campaign committee as defined in Tennessee Code Annotated, § 2-10-102 or any political party as defined in Tennessee Code Annotated, § 2-13-101. (Ord. #1969, Dec. 1993, as amended by Ord. #3679, May 2007)

Franklin Tennessee

Sec. 8-211. Special event permits.

- (1) The beer board is authorized to issue special event permits to bona fide charitable, nonprofit or political organizations for special events.
- (2) The special event permit shall not be issued for longer than one 48-hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event permit shall state whether the applicant is a charitable, nonprofit or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.
- (3) For purposes of this section:
 - (a) Bona fide charitable or nonprofit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.
 - (b) Bona fide political organization means any political campaign committee as defined in T.C.A. § 2-10-101(a) or any political party as defined in T.C.A. § 2-13-101.
- (4) No charitable, nonprofit or political organization possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- (5) Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of Franklin will result in a denial of a special event beer permit for the sale of beer for a period of one year.

(Ord. No. 2007-84, § I, 11-13-2007)

Sec. 8-212. Events not subject to permit; notice required.

Any event which is catered and the caterer has a valid TABC license to serve alcohol is not required to obtain a special event permit. For the safety and welfare of the citizens of Franklin, the beer board requires prior notice of each event which is catered and not required to obtain a permit. Event coordinators shall furnish to the beer board a copy of the form submitted to the TABC no later than five days prior to the event.

(Ord. No. 2007-84, § I, 11-13-2007)

Pulaski Tennessee

8-228. Temporary permits. Temporary beer permits may be issued to nonprofit applicants at the request of an applicant upon the same terms and conditions governing permanent permits. Temporary permits shall be issued as one (1) of two (2) types:

(1) A single event permit. A single event permit shall be valid for a maximum of ten (10) days, with the actual number of days to be determined by the beer board based upon the information provided by the applicant.

(2) A multiple event permit. A multiple event permit may be issued for a fixed number of events during a calendar year. The exact dates and locations of each event must be approved by the beer board at the time of issuance of the permit, or if exact dates are not known at the time of permit issuance, subsequent approval at a future beer board meeting must be obtained prior to the event.

If the events covered by a temporary permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the temporary permit application. Such a temporary permit shall not allow the sale, storage or manufacture of beer on publicly owned property unless said applicant is a bona fide charitable or nonprofit organization and can show that the owner of the publicly owned property approves of the permit application.

Notwithstanding, § 8-216 of the Pulaski Municipal Code, the beer board is authorized to place any and all restrictions it deems necessary on temporary permits, including but not limited to restricted hours of sale and limitations on the number of sale locations/stations or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. The following provisions shall also apply to temporary permit holders:

(a) Temporary permits may be issued to applicants who intend to do business on the public square of Pulaski.

(b) A temporary permit holder shall be prohibited from making or allowing any sale of beer between the hours of three o'clock (3:00) A.M. and six o'clock (6:00) A.M., during any day of the week or between the hours of three o'clock A.M. (3:00) A.M. and ten o'clock (10:00) A.M. on Sunday, pursuant to § 8-223(3) of this chapter.

(c) Temporary permits may be issued to applicants who intend to operate in a place that is temporary in nature. That is, there are no frontage, curtain, blind, or lighting requirements as provided for in § 8-219¹ of this chapter.

(d) A temporary permit holder shall not be subject to the annual privilege tax or application fee of § 8-210 of the municipal code. There is hereby imposed an application fee of fifty dollars (\$50.00) for applying for a temporary permit and all other provisions of § 8-210 governing the issuance of a permit shall apply.

(e) The application for a temporary beer permit shall set forth the following information:

- (i) The name, address, and telephone number of the chairperson of the charitable or nonprofit organization seeking a temporary beer permit;
- (ii) The name, address, and telephone number of the person responsible for beer sales under the permit;
- (iii) The date and time when the event will be held;
- (iv) The hours which beer sales will be conducted during the event; and
- (v) The proposed location for beer sales. (as added by Ord. #7-2009, Sept. 2009)

¹§ 8-219 was deleted by Ord. #2-2010, April 2010.

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. BEER.

CHAPTER 1

BEER²

SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Beer permits shall be restrictive.
- 8-109. Limitation on number of permits.
- 8-110. Interference with public health, safety, and morals prohibited.
- 8-111. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-112. Prohibited conduct or activities by beer permit holders.
- 8-113. Revocation of beer permits.

8-101. Beer board established. There is hereby established a beer board to be composed of the members of the governing body. A chairman shall

¹Municipal code reference

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

State law reference

Tennessee Code Annotated, title 57.

²Municipal code references

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

Tax provisions: title 5.

State law reference

For a leading case on a municipality's authority to regulate beer, see Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982).

be elected annually by the board from among its members. All members of the beer board shall serve without additional compensation.

8-102. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

8-103. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

8-104. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.

8-105. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

8-106. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.

8-107. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a one hundred dollar (\$100.00) non-refundable

application fee.¹ Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

8-108. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

8-109. Limitation on number of permits. The number of permits issued by the beer board shall not exceed two (2) for each one thousand (1,000) citizens residing within the corporate limits of the city as of the most recent official federal census. Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the city at the date of the passage of this code shall continue to be renewed. No new permits shall be issued by the beer board until the population is of the amount provided herein. A new permit, however, may be issued to a qualified purchaser of an existing establishment in which a permit is now held for the sale of beer, and the permit used only within the establishment or building purchased. (Ord. dated 7/27/77)

8-110. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred (300) feet of any school, church or other place of public gathering measured in a straight line between the nearest point on the building from which the manufacture or storage of beer, or the sale of beer will occur and the nearest point on the school, church or other place of public gathering. In no event will a permit be issued authorizing the sale of beer from a package store located within three hundred feet (300') of a residential area as measured in a

¹State law reference

Tennessee Code Annotated, § 57-5-106(c).

straight line from any residence, unless the person requesting a permit has a signed statement from the parties living within the said 300 feet stating that they have no objections to the package store at that particular location. (Ord. dated 4/11/79, modified)

8-111. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

8-112. Prohibited conductor activities by beer permit holders. It shall be unlawful for any beer permit holder to:

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

(2) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.

(3) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week; at any time on Sunday; or on election days before and while the polls are lawfully open.

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age.

(5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

(6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk persons to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(10) Fail to provide and maintain separate sanitary toilet facilities for men and women.

8-113. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest.

Revocation proceedings may be initiated by the police chief or by any member of the beer board.