

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. LIQUOR STORES.
3. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

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8-101. Definitions of "alcoholic beverages." As used in this chapter, unless the context indicates otherwise, "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Products or beverages including beer containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined by this chapter, shall not be considered alcoholic beverages and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1991 Code, § 8-101)

8-102. Consumption of alcoholic beverages on premises. 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 which are regulated by the said code when such sales are conducted within the corporate limits of Kingston, Tennessee. It is the intent of the city council that the said Tennessee Code Annotated, title 57, chapter 4,

¹Municipal code references

Minors in beer places, public drunkenness, etc.: title 11, chapter 2.

inclusive, shall be effective in Kingston, Tennessee the same as if said code sections were copied herein verbatim. (1991 Code, §8-102)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Kingston General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Kingston alcoholic beverages for consumption on the premises where sold. (1991 Code, § 8-103)

8-104. Annual privilege tax to be paid to the city clerk. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Kingston shall remit annually to the city clerk the appropriate tax described in § 8-103 hereof. Such payment shall be remitted within thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (1991 Code, § 8-104)

8-105. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Kingston, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding any other provision contained in the Kingston City Code, qualify to receive a beer permit from the city. (1991 Code, § 8-105)

CHAPTER 2

LIQUOR STORES

SECTION

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8-201. Definition of alcoholic beverages. As used in this chapter, unless the context indicates otherwise:

(1) "Applicant" means a person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(2) "Applicant group" means more than one person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(3) "Application" means the form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

(4) "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Products or

beverages including beer containing less than one-half percent (1/2%) alcohol by volume, other than wine as defined by this chapter, shall not be considered alcoholic beverages and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(5) "Certificate of compliance" means the certificate required in Tennessee Code Annotated, § 57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(6) "City" means the City of Kingston, Tennessee.

(7) "City council" means the governing body of the City of Kingston.

(8) "Co-licensees" means the persons who together hold a single local liquor store privilege license for a single liquor store.

(9) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.

(10) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.

(11) "Inspection fee" means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross sales of a licensee at a liquor store. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(12) "Licensee" means the holder or holders of a local liquor store privilege license. In the event of co-licensees each person who receives a certificate of compliance and local liquor store privilege license shall be a licensee subject to the rules and regulations herein.

(13) "License fee" means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one license fee is required.

(14) "Liquor store" means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(15) "Local liquor store privilege license" means a local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retain in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city.

(16) "Manufactured" means a structure, transportable in one (1) or more sections, and which is built on a permanent chassis with or without permanent foundation.

(17) "Person" means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(18) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

(19) "Retail sale" means a sale to a consumer or to any person for any purpose other than for resale.

(20) "State law, rules and regulations" means all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed including, without limitation, the Local Option Liquor Rules and Regulations of the Tennessee Alcoholic Beverage Commission.

(21) "State liquor retailer's license" means a license issued by the Alcoholic Beverage Commission of the State of Tennessee pursuant to Tennessee Code Annotated, § 57-3-201, et seq., permitting its holder to sell alcoholic beverages at retail in Tennessee.

(22) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(23) "Wine" means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes or other fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume.

Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural. (1991 Code, § 8-201)

8-202. Selling and distributing generally. It shall be unlawful for any person to engage in the business of selling, possessing or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated, title 57 and by the rules and regulations promulgated thereunder and as provided under this chapter. Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of five percent (5%) by weight or less, and no ordinance related thereto is modified by this chapter. (1991 Code, § 8-202)

8-203. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (1991 Code, § 8-203)

8-204. Incorporation of state law. Tennessee Code Annotated, title 57, chapter 3 is hereby adopted so as to be applicable to all sales of alcoholic

beverages conducted within the corporate limits of the City of Kingston. It is the intent of the city council that Tennessee Code Annotated, title 57, chapter 3 shall be effective in Kingston, Tennessee the same as if said code sections were copied herein verbatim. (1991 Code, § 8-204)

8-205. Licenses required for sale of alcoholic beverages at retail.

It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter, and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting him or her to sell alcoholic beverages at retail. Transfer of ownership or possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited. (1991 Code, § 8-205)

8-206. Licensee responsible for officers and agents.

Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee and acts of the licensee's officers, employees, agents and representatives so that any violation of this chapter by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee. (1991 Code, § 8-206)

8-207. Maximum number of licenses authorized.

There shall be no limit upon the number of state or local liquor retailers' licenses for the sale of alcoholic beverages at liquor stores within the City of Kingston. (1991 Code, § 8-207)

8-208. Location restrictions.

It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Kingston unless at a location approved by the city. All such stores shall be located within the C-1, C-2, C-3 or C-4 zones as appears on the official zoning map of the City of Kingston on the date of application. In no event will a store be allowed within one hundred feet (100') of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the alcoholic beverage will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering. Provided, further, that no certificate of compliance shall be issued by the mayor and/or city council in any case until the location of said proposed liquor store has been approved by the city council. (1991 Code, § 8-208)

8-209. Limitations on building containing liquor store.

All liquor stores shall be a permanent type of construction in a material and design

approved by city council. No liquor store shall be located in a manufactured or other movable or prefabricated type of building. All liquor stores shall have night lights surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises. The minimum square footage of the liquor store display area shall be one thousand eight hundred (1,800) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway to the interior of the liquor store by way of large windows in the front and, to the extent practical, to the sides of the building containing the liquor store. All liquor stores shall be subject to applicable zoning, building, and city land development regulations unless specifically stated otherwise herein. No liquor store shall be located within five hundred feet (500') of any other liquor store in the City of Kingston. The distance shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the alcoholic beverage will be sold, manufactured or stored to the nearest point on the property line upon which sits the second building from which the alcoholic beverage will be sold, manufactured or stored. (1991 Code, § 8-209)

8-210. Restrictions generally. (1) Entertainment devices and seating forbidden. No form of entertainment, including pinball machines, music machines or similar devices, shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(2) Time and days of operation. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on any Sunday. On other days, no liquor store shall be open and no licensee shall sell or give away any alcoholic beverage before 8:00 A.M. or after 11:00 P.M. No liquor store shall be open for business on Christmas, Thanksgiving, New Year's Day, Labor Day or the Fourth of July.

(3) Selling or furnishing to minors, etc. It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a minor below the age of twenty-one (21) years or to a person visibly intoxicated. It shall be unlawful for such person to enter or remain in a liquor store (except that employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only) or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a minor below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee.

(4) Consumption on premises of liquor store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It

shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store.

(5) Advertising. There shall be no advertising signage of any kind whatsoever outside the building containing a liquor store, either for the liquor store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores, except as set forth herein. The provisions of the Kingston Zoning Regulations and any other city ordinances or regulations addressing signs shall not apply to liquor stores unless any specific restrictions on signs or advertising in the zone where a liquor store is located are more restrictive than the restrictions contained herein, in which case the more restrictive provision shall apply. There may be placed on the front of a liquor store, but not extending therefrom over twelve inches (12"), a sign setting out the name of the liquor store. One (1) free standing sign may also be located on the property where the liquor store is conducting business. Such signs shall not exceed sixty (60) square feet in dimension. No such sign shall contain letters of neon or tube lighting so as to produce lighting within the letters themselves, though signs lit by back lighting are permitted. No reader board or changeable copy signs shall be permitted. No off-premises signs shall be allowed within the city. Regarding signage inside a liquor store, no banner or temporary or permanent signage shall be placed so that it obstructs free and clear vision of the interior of the liquor store from outside the liquor store. One (1) grand opening event shall be permitted at the time a liquor store is first opened for business and for two (2) weeks thereafter where one (1) grand opening banner shall be allowed provided a sign permit for such banner is properly obtained from the city.

(6) Off-premises business. All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted nor shall there be permitted drive-in windows. No licensee shall employ any canvasser, agent, solicitor, or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (1991 Code, § 8-210, as amended by Ord. #8-12-9-1, Jan. 2009)

8-211. Fees. (1) Amounts generally. There is hereby levied on each licensee an inspection fee of five percent (5%) on the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source.

(2) Collection. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. Payment of the inspection fee by the collecting wholesaler or other source shall be made to the city clerk on or before the twentieth day of

each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee and it shall be the licensee's duty to see that the payment of the inspection fee for his or her liquor store is made to the city clerk on or before the twentieth day of each calendar month for the preceding month. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service in 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 city.

(3) Reports. The city clerk shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchases from such wholesaler or other source. Such wholesaler shall timely complete and return the forms and the required information and inspection fees within the time specified above.

(4) Failure to pay fees. The failure to pay the inspection fees and to make the required reports accurately and within the time required by this chapter shall, at the sole direction of the city manager, be cause for suspension of the offending licensee's local liquor store privilege license for a much as thirty (30) days and, at the sole discretion of the city council, be cause for revocation of such local liquor store privilege license. Each such action may be taken by giving written notice thereof to the licensee, no hearing with respect to such an offense being required. If a licensee has his license revoked, suspended or otherwise removed and owes the city inspection fees at the time of such suspension, revocation, or removal, the city attorney may timely file the necessary action in a court of appropriate jurisdiction for recovery of such inspection fees. Further, each licensee who fails to pay or have paid on his or her behalf the inspection fees imposed hereunder shall be liable to the city for a penalty on the delinquent amount due in an amount of ten percent (10%) of the inspection fee.

(5) Use of fees. All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this chapter including, particularly, the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed. The city council finds and declares that the amount of these inspection fees is reasonable and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes. (1991 Code, § 8-211)

8-212. Records kept by licensee. In addition to any records specified in the state laws, rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

- (1) The original invoices of all alcoholic beverages bought by the licensee;
- (2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
- (3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales; and,
- (4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved, and the name of the person or persons receiving the same.

All such records shall be preserved for a period of at least fifteen (15) months unless the city clerk gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one set of records per liquor store satisfies the requirements of this part. (1991 Code, § 8-212)

8-213. Inspections generally. The city manager, the city clerk, the chief of police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee. (1991 Code, § 8-213)

8-214. Certificate of compliance. As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, city council may authorize the issuance of certificates of compliance by the city according to the terms contained herein. (1991 Code, § 8-214)

8-215. Application. (1) **Filing--content.** An applicant or applicant group for a liquor store shall file with the city clerk a completed written application on a form to be provided by the city clerk which shall contain all of the following information and whatever additional information the city council or city manager may require:

- (a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;
- (b) The name of the liquor store proposed;

(c) The address of the liquor store proposed and its zoning designation;

(d) A statement that the persons receiving the requested license, to the best of their knowledge, if awarded the certificate of compliance, could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city; and

(e) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(f) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(2) Further documentation. The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with the same application and shall be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one inch equals twenty feet giving the following information:

(a) The shape, size and location of the lot on which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;

(c) The off-street parking space and off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and,

(3) Signature. The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, stockholder or otherwise.

(4) Misrepresentation--concealment of fact--duty to amend. If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form, or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter

and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by city council. Further, no sale, transfer or gift of any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the city council.

(5) **Fees.** Each applicant shall be accompanied by a non-refundable three hundred dollar (\$300.00) investigation fee. One (1) application fee per applicant group is sufficient. (1991 Code, § 8-215, as amended by Ord. #13-8-13-3, Sept. 2013)

8-216. Consideration of application for certificate of compliance.

In issuing a certificate of compliance sufficient for the licensing of the liquor stores in the city permitted by this chapter, the city council will consider all applications filed with it after publication of notices published in a newspaper of general circulation in Roane County, Tennessee required by state law and/or applicable sign regulations. The city council will determine if the applicants have the qualifications required by state law. Applications and all matters submitted with or as a part of such applications become, at the time they are submitted, the sole and exclusive property of the city and constitute public records open to public inspection. (1991 Code, § 8-216)

8-217. Restrictions upon issuance of certificate of compliance.

(1) **No violation of chapter.** No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.

(2) **Time period for action.** Any applicant or applicant group who has obtained a certificate of compliance as provided herein must, unless an extension is granted by city council, within one hundred twenty (120) days open a liquor store in the city or said certificate of compliance will be revoked by the passage of this amount of time and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the local liquor store privilege license issued pursuant to such application shall be considered canceled and revoked. (1991 Code, § 8-217)

8-218. Local liquor store privilege license from city to operate liquor store. After an applicant or applicant group receives a license from the State of Tennessee to operate a retail liquor store pursuant to Tennessee Code Annotated, §§ 57-3-101 et seq., he or she shall apply to the city clerk for a local liquor store privilege license to operate a retail liquor store pursuant to the following terms, conditions and restrictions set out in §§ 8-219 and 8-220 hereof. (1991 Code, § 8-218)

8-219. Restrictions on local liquor store privilege licenses.

(1) Term renewal. Each license shall expire on December 31st of each year. A license shall be subject to renewal each year by compliance with all applicable federal statutes, state statutes, state laws, rules and regulations and the provisions of this chapter.

(2) Display. A licensee shall display and post and keep displayed and posted his or her license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee.

(3) Transfer. A licensee or co-licensee shall not sell, assign or transfer his license or any interest therein to any other person. No license shall be transferred from one location to another location without the express permission of city council.

(4) Fees. A license fee of five hundred dollars (\$500.00) is due at the time of application for a license. A license fee of one hundred dollars (\$100.00) is due annually, prior to January 1 of each calendar year, thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city clerk before any license shall issue. (1991 Code, § 8-219, as amended by Ord. #8-12-9-2, Jan. 2009)

8-220. Restrictions upon licensees and employees. (1) Initial qualifications. To be eligible to apply for or to receive a license, an applicant, or in the case of an applicant group each member of the applicant group, must satisfy all of the requirements of the state statutes and of the state laws, rules and regulations for the holder of a state liquor retailer's license.

(2) Public officers and employees. No license shall be issued to a person who is a holder of a public office, either appointed or elected, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply, however, to uncompensated, appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(3) Felons. No licensee who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity to which he or she is connected shall receive a license, provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately

discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(4) Employee felons. No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who, within ten (10) years prior to the date of his or her employment, shall have been convicted of a felony. In the case that an employee is convicted of a felony while he is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(5) Liquor offenses. No license shall be issued to any person who, within ten (10) years preceding application for license or permit, shall have been convicted of any offense under the laws of this state or any state or of the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of intoxicating liquors or beer who has, during such period, been engaged in business, alone or with others, in violation of any such laws or rules and regulations.

(6) Disclosure of interest. It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it be fully disclosed to the city manager and approved by him or her in a timely manner.

(7) Age. No licensee shall be a person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his place of business to engage in the storage, sale or distribution of alcoholic beverages.

(8) Interest in only one liquor store. A person shall have an interest, either direct or indirect, in no more than one (1) liquor store licensed under this chapter in the City of Kingston. (1991 Code, § 8-220, as amended by Ord. #11-10-11-3, Nov. 2011)

8-221. Nature of license; suspension or revocation. The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by city council for any violation of this chapter by the licensee or by any person whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the city council suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this chapter by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city manager may immediately suspend the license for a period not to exceed sixty (60) days

and the city council may revoke the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations. (1991 Code, § 8-221)

8-222. Violations--penalties. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00). Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions Tennessee Code Annotated, chapter 3, title 57, and the rules and regulations of said commission. (1991 Code, § 8-222)

CHAPTER 3

BEER¹

SECTION

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- 8-323. Loss of clerk's certification for sale to minor.

8-301. Beer board established. There is hereby established a beer board to be composed of all the members of the city council. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation. (1991 Code, § 8-301)

¹Municipal code reference

Public drunkenness, minors in beer places, etc.: title 11, chapter 2.

Tax provisions: title 5.

State 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)

8-302. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings following each regular meeting of the city council. An adjourned or special meeting of the beer board may be called by its chairman provided reasonable notice thereof is given to each member of the board and there is a reasonable and just cause for such an additional session. Reasonable public notice shall likewise be given for any adjourned or special meeting. Whenever there is an application for a tavern permit, at least ten (10) days notice of the time and place of the beer board meeting shall be given by at least one publication in a newspaper of general circulation. (1991 Code, § 8-302)

8-303. Record of beer board proceedings to be kept. The city clerk shall be required to attend and to make separate 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 contents of each beer permit issued by the board. (1991 Code, § 8-303)

8-304. 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. However, when a quorum is present the affirmative vote of only a simple majority of the members voting shall be required for affirmative action by the board. (1991 Code, § 8-304)

8-305. Powers and duties of the beer board. The beer board is hereby vested with all authority and power to administer the provisions of this chapter and Tennessee Code Annotated, to include the making of regulations, the taking of any action, not inconsistent with this chapter or the Tennessee Code Annotated, for clarifying, interpreting, carrying out, and enforcing the terms of this chapter and for ensuring the proper and orderly conduct of business permittees, including regulating the selling, storing, distributing and manufacturing of beer within the City of Kingston and the issuance and revocation or suspension of licenses issued pursuant to this chapter. (1991 Code, § 8-305)

8-306. "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. (1991 Code, § 8-306)

8-307. Permit required for engaging in beer business. It shall be unlawful for any person or legal entity regardless of its form of existence, i.e.,

corporation, limited liability company, partnership, etc., 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 authorize and furnish and shall be filed in the city manager's office, accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Kingston. Each applicant, or if an entity, each person with an ownership interest in the entity, must be a person of good moral character and must certify that no applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or any crime involving moral turpitude within the past ten (10) years. Further, the applicant must certify that each applicant has read and is familiar with the provisions of this chapter. Upon receipt of the notarized application, the city manager's office will schedule the presentation of the application of the beer board and will notify the applicant of the date and time of such meeting. (1991 Code, § 8-307)

8-308. 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 the 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 permit or license. It shall likewise be unlawful for the permittee not to comply with any and all express restrictions or conditions which may be written into the permit or license by the beer board. (1991 Code, § 8-308)

8-309. Number and classification of beer permits. The number of beer permits permitted in the City of Kingston, Tennessee, and the classification thereof are as follows:

(1) **Restaurants.** There shall be no limitation on the number of beer permits issued to restaurants. To qualify for a restaurant permit, an establishment must, in addition to meeting the other regulations and restrictions of this chapter:

(a) Be primarily a restaurant or an eating place; and,

(b) Be able to provide indoor seating for a minimum of thirty (30) people, including children, in booths and at tables, in addition to any other seating it may have.

In addition, the monthly beer sales of any establishment which holds a restaurant license shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which, for two consecutive months, or for any three months in any calendar year, has beer sales exceeding fifty percent (50%) of its gross sales shall have its beer permit revoked.

(2) Grocery (food) stores and convenience stores. There shall be no limitation on the number of beer permits issued to grocery (food) stores and convenience stores. To qualify for a grocery (food) store or convenience store off-premises permit, an establishment must, in addition to meeting the other regulations and restrictions of this chapter:

- (a) Be a grocery (food) store or a convenience-type market; and,
- (b) In either case, be primarily engaged in the sale of grocery, personal, home care and cleaning articles, but may also sell gasoline; and,
- (c) Commence operations within one year of the issuance of the permit.

In addition, the monthly beer sales of any establishment which holds a grocery (food) store or convenience store off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment. Any establishment which, for two consecutive months, or for any three months in any calendar year, has beer sales exceeding twenty-five percent (25%) of its gross sales shall have its beer permit revoked.

(3) Taverns. There shall be no more than two (2) beer permits issued to taverns. Beer may be sold in this establishment, whether or not meals are served, for consumption on the premises.

(4) Package beer stores (off premises). There shall be no limitation on the number of beer permits issued to package beer stores. These are establishments where beer is sold to be consumed off the premises. Beer shall not be consumed on the premises of these establishments.

(5) Wholesaler/distribution (off premises). Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer shall not be sold or consumed on the wholesaler's premises.

(6) Caterers. There shall be no limitation on the number of beer permits issued to caterers. To qualify for a caterer permit, in addition to meeting the other regulations and restrictions of this chapter, the following shall apply:

- (a) The permittee operates a permanent catering hall on an exclusive basis;
- (b) The permittee has a complete and adequate kitchen facility; and,
- (c) The permittee is licensed as a caterer by the Tennessee Department of Health.

The permit shall authorize the caterer to sell beer on the premises of the caterer and at such other sites as the caterer has given advanced notice to the Kingston Beer Board through the city manager for the City of Kingston, Tennessee. With such notice, a special permit will be issued for purposes of serving beer at the off-premises site. The permit shall not authorize and the caterer shall not sell beer at a site within three hundred feet (300') of a building from which there must be a minimum distance as provided elsewhere herein. In all cases, beer may be sold for consumption only at the permanent catering

hall of the caterer or at the site for which the caterer has given advanced notice to the Kingston Beer Board.

(7) Golf course. There shall be no limitation on the number of beer permits issued to golf courses. Beer may be sold for consumption on the premises only with the premises defined as any clubhouse, pro shop, restaurant, or the playing course itself. No consumption shall be permitted in or on the parking lot.

Each permit hereunder issued shall specify the classification of permit along with the kind of establishment as herein set forth. No beer sales other than the class designated shall be permitted except as stated herein, i.e., at establishments with permits allowing on-premises consumption, it will be legal for beer to be consumed on the premises only. No beer shall be sold for off-premises consumption by these establishments. Likewise, no on-premises consumption will be legal where the establishment has been granted an off-premises permit. If the character of the establishment changes from the classification originally issued, the permittee will be required to obtain a new permit to conform to the type of establishment being operated by the permittee. All beer permits now issued and outstanding will be classified and placed in its appropriate category and the holders of said beer permits shall be so notified, along with a copy of this chapter. (1991 Code, § 8-309)

8-310. 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 hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. Except as set out herein, no permit shall be issued authorizing the sale of beer by permit holders within two hundred fifty feet (250') of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering. The above minimum distance requirement shall not apply to the sale of beer by permit holders operating a restaurant where such permit holder also possesses a valid state liquor license. (1991 Code, § 8-311)

8-311. 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. (1991 Code, § 8-312)

8-312. Prohibited conduct or activities by beer permit holders, agents, servants, employees or other persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, agent, servant, employee or other person working in an establishment that is permitted to sale beer to:

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

(2) Allow any person or legal entity regardless of its form of existence, i.e., corporation, limited liability company, partnership, etc., to offer for sale or sell beer or other alcoholic beverage with an alcoholic content not exceeding five percent (5%) by weight within the corporate limits of Kingston, Tennessee between the hours of 3:00 A.M. and 8:00 A.M. on weekdays and between the hours of 3:00 A.M. and 12:00 noon on Sunday. No such beverages shall be consumed or opened for consumption or about any premises where beer or other beverage with an alcoholic content not exceeding five percent (5%) of weight is sold within the corporate limits of Kingston, Tennessee in either bottle, glass or other container after 3:15 A.M.

(3) Deliver beer to any purchaser or purchasers except during those hours set out in this chapter.

(4) Sell intoxicating liquor as defined in this title, except in establishments that have a state-issued "liquor by the drink" license.

(5) Allow the possession of beer by any person, including permitted, within the permittee's place of business at a time when beer may not be legally sold. Such possession shall constitute evidence of an illegal sale.

(6) Allow any loud, unusual or obnoxious noises to emanate from the premises.

(7) Make or allow any sale of beer to a minor under the age of twenty-one (21) years.

(8) Allow any minor under twenty-one (21) years of age to loiter in or about the place of business. The term "loitering" within the meaning of this section shall mean "to be dilatory, to be slow in movement, to stand around, to spend time idly, to saunter, to delay, to idle, to linger, to lag behind." However, nothing in this section shall prohibit persons under the age of twenty-one (21) from dining in establishments which have a beer permit but whose exclusive or primary business is the sale of food. Such establishments shall insure that all containers of alcoholic beverages, both open and closed, are not provided by customers, patrons, or any other persons, to persons under the age of twenty-one (21); shall immediately remove empty and partially empty containers of alcoholic beverages from the tables where persons under the age of twenty-one (21) are seated unless accompanied by a parent or guardian; and shall store all alcoholic beverages behind the bar or other proper storage place not ordinarily accessible to customers or patrons.

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

(10) Allow drunk or disreputable persons to loiter about the premises.

(11) Allow patrons to remain in the permittee's place of business longer than thirty (30) minutes past the time the permittee closes the place of business to the public.

(12) Allow any person who holds a permit to fail to continuously operate the business and if any permittee fails or refuses to, either voluntarily or involuntarily, carry on his business for a period of thirty (30) days, then said permit shall be revoked.

(13) With the exception of a beer license classified as a "restaurant," allow pool or billiard playing will not be permitted in the same room where beer is sold and/or consumed.

(14) Fail to provide and maintain separate sanitary toilet facilities for men and women at locations for consumption on premises.

(15) Proper and prominent signs will be displayed stating there shall be no form of gambling on or about the permittee's place of business.

(16) Sell beer at places where dancing is allowed, except:

No beer shall be sold on-premises, upon any part of which dancing is allowed, unless the cleared area provided for dancing shall contain at least one hundred forty-four (144) square feet of floor space. In computing the cleared area of floor space, only the compact floor area used primarily for dancing shall be counted. No area upon which counters, tables, chairs or obstructions are located and no aisles used primarily for providing access to tables shall be included for computing such cleared floor space. No beer shall be sold on premises where exotic dancing or other sex oriented entertainment is permitted or provided by the permittee. (1991 Code, § 8-313, as amended by Ord. #7-7-10-2, Aug. 2007)

8-313. Revocation of beer permits. The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the license or permit holder or any agent, servant or employee of the permittee is guilty of violating

(1) Any of the provisions of this chapter;

(2) Any of the municipal codes of the City of Kingston addressing the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage; or

(3) Any state law regarding the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage. The beer board, in its discretion, may revoke any beer permit issued for due cause not specified herein. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after at least ten (10) days notice to all the parties in interest. Suspension or revocation proceedings may be initiated by the city manager or by any reputable resident upon the filing of an application with the beer board requesting such action.

In the event a permit holder surrenders his license to sell beer, said surrender will become effective when formal action of the beer board is taken. Provided, however, the surrender of a permit or license shall not operate to prevent the beer board from revoking the permit or license for violation of this chapter or applicable state law occurring before such surrender.

Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date the revocation becomes final.

No new permit shall be granted at any location where a case is pending in court for an infraction of the beer laws of the State of Tennessee or the City of Kingston.

(4) 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 shall 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. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (1991 Code, § 8-314, as amended by Ord. #7-7-10-2, Aug. 2007)

8-314. Limitation on reissue of permits for same location. Where a permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises until after the expiration of one year from the date the revocation became final and effective. (1991 Code, § 8-315)

8-315. Industry interest in permit prohibited. No permit shall be issued when a brewer, manufacturer, distributor or warehouseman of legal beer has any interest in the business, financial or otherwise, or in the premises upon which the sale of beer is to be carried out. (Ord. approved 6-19-84, as renumbered by Ord. #5-1-4, Feb. 2005, 1991 Code, § 8-316)

8-316. Privilege tax. There is hereby imposed on the business selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). To sustain a valid permit, any permittee shall remit the tax the 1st day of January of each year thereafter to the City of Kingston, Tennessee. At the time a new permit is issued to any business subject to this

tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (1991 Code, § 8-317)

8-317. Civil penalty in lieu of revocation or suspension.

(1) 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.

(2) 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. (1991 Code, § 8-318, as replaced by Ord. #7-7-10-2, Aug. 2007)

8-318. Responsibilities of permittee. Each permittee must furnish the chief of police with a list of the names, date of birth, and social security number of all persons to be employed in the place where beer is to be sold and must inform the chief of police within seventy-two (72) hours of employment as to the names, date of birth, and social security number of any persons employed after such list has been originally submitted. The list will be maintained by the police department at city hall. Employee shall be defined in this chapter as any person engaged in the operations of the business on a regular basis or who receives compensation from the business. Permittee shall be deemed responsible for the actions of all employees or agents in regard to state and local legislation related to beer and a violation thereof by an employee or agent shall subject the permittee to appropriate sanction, including revocation or suspension of any license. Prior to January 1 of each year, it is the responsibility of permittee to pick up copies of any new legislation regulating the sale of beer. It is also the responsibility of the permittee to immediately notify

the chief of police of any convictions or pleas for unlawful activity as defined in this chapter of the Kingston Municipal Code. (1991 Code, § 8-319)

8-319. Employees required to have identification and proof of employment. Every employee employed by an establishment licensed under this chapter shall be required to have on his or her person at all times while upon the premises bona fide identification with his or her name, birth date, age, and description, and written proof of present employment furnished by the employer. Upon demand by any law enforcement officer, any and every employee shall be required to immediately produce such identification and proof of employment at any time the employee in question is on or about the premises. (1991 Code, § 8-320)

8-320. Possession or consumption of alcoholic beverages, wine, and/or beer on certain property prohibited. It shall be unlawful for any person to possess an opened container of any alcoholic beverage, wine, and/or beer or to consume any alcoholic beverage, wine, and/or beer on the premises of any retail beer sales outlet which does not have an on-premises permit; and it shall be unlawful to possess an opened container of any alcoholic beverage, wine, and/or beer or to consume any alcoholic beverage, wine, and/or beer on any public street, sidewalk, playground, park, school property or public parking lot within the municipal limits of the City of Kingston. It shall also be unlawful to possess an opened container of any alcoholic beverage, wine, and/or beer or to consume any alcoholic beverage, wine, and/or beer on any privately owned parking lot held open by the owners for use by the public where twenty (20) or more vehicles may be parked. (1991 Code, § 8-321)

8-321. Sign restriction. No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located other than one sign, advertisement or display which makes reference to the fact that the establishment sells beer but does not use brand names, pictures, numbers, prices or diagrams relating to beer. Notwithstanding the above, for restaurant beer permit holders there shall be no sign, advertisement or display which indicates that beer may be purchased at the premises erected or maintained on the exterior of the premises or interior of the premises visible from the exterior. Beer and its containers located at or upon a bar within the premises shall not violate this provision provided the bar is located no closer than twenty feet (20') from any window facing a public street. (1991 Code, § 8-323)

8-322. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell liquor in the City of Kingston, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding any other

provision contained in the Kingston City Code, qualify to receive a beer permit from the city. (1991 Code, § 8-323)

8-323. 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. (Ord. #7-7-10-2, Aug. 2007)