

ORDINANCE NO. 3544
BEING AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY
OF MORRISTOWN, TENNESSEE, AMENDING TITLE 8 OF THE
MORRISTOWN MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MORRISTOWN
TENNESSEE, THAT TITLE 8 OF THE MUNICIPAL CODE IS AMENDED AS
FOLLOWS:

“TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS/LIQUOR STORES.
2. BEER.
3. INTOXICATING LIQUORS/LIQUOR-BY-THE-DRINK.
4. WINE SALES IN RETAIL FOOD STORES

CHAPTER 1

INTOXICATING LIQUORS/LIQUOR STORES

SECTION

- 8-101. Definitions.
- 8-102. Scope of chapter.
- 8-103. Compliance with state law required.
- 8-104. Purchases from persons without permit prohibited.
- 8-105. Interest in more than one retail business.
- 8-106. License holder--restrictions generally.
- 8-107. Regulations of sales and business hours.
- 8-108. Store location.
- 8-109. General restrictions on liquor stores.
- 8-110. Solicitation of orders by retailer and wholesaler.
- 8-111. Municipal inspection fees.
- 8-112. Certificate of compliance.
- 8-113. Duration of employee permit; reapplication.
- 8-114. Transfer prohibited; effect of change in business location.
- 8-115. Business taxes.
- 8-116. Other retail sales permitted.

¹State law reference

Tennessee Code Annotated, title 57, ch. 3.

Charter reference

Alcoholic beverages: § 5(25).

8-101. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer and capable of being consumed by a human being, other than patent medicine or beer, as defined in Tennessee Code Annotated §57-5-101(b). Notwithstanding any provision to the contrary in this title, except for beer as defined in Tennessee Code Annotated §57-5-101(b), "alcoholic beverage" or "beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, regardless of alcohol content. Liquid products intended for beverage purposes containing alcohol that do not meet the definition of beer under Tennessee Code Annotated §57-5-101(b) shall also be alcoholic beverages. Notwithstanding this subsection 8-101(1) definition, products or beverages containing less than one percent (.5%) alcohol by volume, other than wine as defined in Tennessee Code Annotated §57-3-101, shall not be considered to be alcoholic beverages, and shall not be subject to regulation or taxation pursuant to this title.

(2) "Residence." Actual physical residence accompanied by an intention to make such residence a permanent "home."

(3) "License." The license or permit issued pursuant to Tennessee Code Annotated, title 57, chapter 3.

(4) "Permit." The permit required or issued pursuant to this chapter, and "permittee" means any person, firm, or corporation to whom such permit has been issued pursuant to this chapter.

(5) "Person." Any natural person as well as any corporation, partnership, firm, or association.

(6) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale; provided, however, that it does not include any transaction between a licensee and its employee or employees in the normal course of employment for which no payment is expected or received or depletions from a licensee's inventory related to routine business or marketing purposes where all applicable taxes have been paid.

(7) "Retailer" or "dealer." Any person who sells at retail any beverage for the sale of which a permit is required under the provisions of this chapter. Words importing the masculine gender shall include the feminine and the neuter; the singular shall include the plural. (1979 Code, § 2-201, as replaced by Ord. #3442, June 2012)

8-102. Scope of chapter. It shall be unlawful to store, transport, sell, give away, distribute, possess, or receive alcoholic beverages in the city unless provisions of this chapter and the laws of the state have been complied with.

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 nothing in this code or other city ordinances related thereto is modified by this chapter. (1979 Code, § 2-202, as replaced by Ord. #3442, June 2012)

8-103. Compliance with state law required. 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.

Intoxicating liquor regulations are addressed in Title 57 of the Tennessee Code Annotated. Any conflicts or omissions in this ordinance shall be governed by Title 57. (1979 Code, § 2-203, as replaced by Ord. #3442, June 2012)

8-104. Purchases from persons without permit prohibited. It shall be unlawful for any person to buy or purchase any alcoholic beverages from any person who, to the knowledge of the buyer or purchaser, does not hold the appropriate permit or license required under the provisions of this chapter or under the laws of the state, authorizing the sale of such beverages to the buyer. Furthermore, no retailer shall purchase any alcoholic beverages for resale from anyone other than a licensed wholesaler. (1979 Code, § 2-204, as replaced by Ord. #3442, June 2012)

8-105. Interest in more than one retail business. Except for retailers licensed under Tennessee Code Annotated §57-3-204, no person, corporation or other entity shall, directly or indirectly, operate any licensed retail establishment selling alcoholic spirituous beverages, not including wine, for off-premises consumption in this state. “Indirectly” means any kind of interest in such a retail business by way of stock ownership, loan, partner’s interest or otherwise. A landlord shall be deemed to have an indirect interest in such a retail business when the lease agreement is based upon a percentage of profits or any other factor based upon sales of alcoholic beverages by the tenant as distinguished from being simply an interest in land for a period of time at a definite rate. Except as provided for in this section, nothing shall prohibit the holder of a retail license from having more than one (1) retail license. If two (2) or more retail licenses have been authorized, no retail licensee shall hold more than fifty percent (50%) of the licenses authorized for issuance in the city.

8-106. License holder—restrictions generally. No retailer shall operate a retail package store or sell any alcoholic beverages within the City unless the requisite license and permit have been obtained pursuant to the rules and regulations provided for in Tennessee Code Annotated §57-3-204.

8-107. Regulations of sales and business hours. (1) Hours of sales on weekdays. Retail dealers in alcoholic beverages shall not engage in the sale of such

beverages, except between the hours of 8:00 A.M. and 11:00 P.M., on weekdays and Saturdays. The store may not be open to the general public except during these regular business hours.

(2) Sales on Sundays and holidays. No retailer shall sell or give away any alcoholic beverage between 11:00 P.M. on Saturday and 8:00 A.M. on the following Monday of each week. Retail dealers shall be closed for business on the following holidays: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.

(3) Sales to minors. A retailer or any employee thereof shall not make or permit to be made any sales of alcoholic beverages or beer to minors. Prior to making a sale of alcoholic beverages for off-premises consumption, the adult consumer whose physical appearance does not reasonably demonstrate an age of fifty (50) years or older must present to the retailer or any employee of the retailer a valid, government issued document, such as a driver license or other form of identification deemed acceptable to the retailer that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase. Persons exempt under state law from the requirement of having photo identification shall present identification that is acceptable to the retailer. The retailer or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of alcoholic beverages for off-premises consumption shall be made to a person whose physical appearance does not reasonably demonstrate an age of fifty (50) years or older who does not present such a document or other form of identification to the license holder or any employee of the license holder in a face-to-face transaction.

(4) Keeping an unsealed bottle or container. No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers except such open bottles and containers of damaged and unmarketable product retained by the retail licensee for purpose of return to a wholesaler or such open bottles and containers required for conducting a sales demonstration as permitted by Tennessee Code Annotated § 57-3-404(h).

(5) Sales to persons intoxicated. No retailer shall sell any alcoholic beverages or beer to any person who is visibly intoxicated, nor shall any retailer selling alcoholic beverages or beer sell to any person accompanied by a person who is visibly intoxicated.

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

(7) Discount sales. A retailer may offer a discount in such manner as the retailer deems appropriate as long as the discount being offered is not below the cost paid by the retailer to purchase the alcoholic beverages from the wholesaler.

(8) Consumption on premises. No alcoholic beverages shall be sold for consumption, or consumed, on the premises of the seller, except that a retail

licensee may offer complimentary samples of the products it sells for tastings to be held on the premises of the retail licensee. Such tastings shall be for sales, education and promotional purposes. No person holding a license under § 57-3-203 shall, directly or indirectly, provide any products, funding, labor, support or reimbursement to a retailer for the consumer tastings authorized by this subsection.

The tastings may be held at the option of the retail licensee during the hours the retail licensee is open for business, without filing any notice other than as provided with the commission, and no charge or fee may be assessed by the commission for a retail licensee to offer such complimentary samples.

The size of each sample shall be no greater than approximately two ounces (2 oz.) for each wine or high alcohol content beer sample and no greater than approximately one half ounce (1/2 oz.) for each liquor sample. It is the responsibility of the retail licensee to limit the number of tastings per customer and the number of products available for tasting.

Notwithstanding any law or rule to the contrary, a retail licensee or employee of the licensee may participate in tastings.

(9) Public display and public drinking prohibited. It shall be unlawful for any person to publicly drink any alcoholic beverage on any street or sidewalk, on any school ground or in any park, theatre, stadium, or school. It shall be unlawful for any person to display openly a bottle or other container of alcoholic beverage on any public street, sidewalk, or school ground, or in any park, theatre, stadium, or school. (1979 Code, § 2-208, as amended by Ord. #2555, Oct. 1988, and Ord. #3097, May 2002, and replaced by Ord. #3442, June 2012)

8-108. Store location. It shall be unlawful for any person to operate or maintain a liquor store in the city unless such store is located in the following manner:

(1) In the Intermediate Business Zone, on Highway 11E or Morris Boulevard, but not both, a distance of at least six-tenths (.6) of a mile east of the intersection of Cumberland and Main Streets, there may be one (1) store.

(2) In the Intermediate Business Zone, on Highway 11E, a distance of at least six-tenths (.6) of a mile west of the intersection of Cumberland and Main Streets, there may be one (1) store.

(3) In the Intermediate Business Zone, on North Cumberland Street a distance of at least six-tenths (.6) of a mile north of the intersection of Cumberland and Main Streets, there may be one (1) store.

(4) In the Intermediate Business Zone, on South Cumberland Street, a distance of at least six-tenths (.6) of a mile south of the intersection of Cumberland and Main Streets, there may be one (1) store.

(5) No closer than seven thousand five hundred feet (7,500') in a direct line to any of the four (4) existing stores, but inside the perimeter of the four (4) stores, there may be one (1) store.

(6) No store shall be located within three hundred feet (300') of any church, school, or public building.

(7) No store shall be located adjacent to property where any house used as a residence is located.

(1979 Code, § 2-209, as amended by Ord. #2523, Mar. 1988, and replaced by Ord. #3442, June 2012)

8-109. General restrictions on liquor stores. Retail liquor stores shall comply with such rules and restrictions, including but not limited to building requirements, as stated in Tennessee Code Annotated §57-3-404, as well as any applicable existing or future City ordinances.

8-110. Solicitation of orders by retailer and wholesaler. Retailers licensed under Tennessee Code Annotated § 57-3-204 are authorized, for a fee or without a fee, to provide, within the state, consulting services related to the products, merchandise and supplies which the retailer is authorized to sell under § 57-3-404(e) and alcoholic beverages, and supply, deliver and install products authorized to be sold by the retailer to locations outside of the licensed premises in connection with special events, parties, alcoholic beverage tastings, educational classes and the establishment of private collections or wine cellars.

Any licensee making a delivery of alcohol, wine or beer is subject to Tennessee Code Annotated §§ 57-3-406(c) and 57-3-406(d). A record of all deliveries shall be maintained in writing and must contain all information concerning the recipient, products delivered, the time of delivery and place of delivery.

8-111. Municipal Inspection fees. Each retailer dealer shall pay a municipal inspection and enforcement fee in an amount set by Tennessee Code Annotated §57-3-501 on the gross purchase price of alcoholic beverages purchased by him for resale. This fee is subject to change and any change in this fee amount shall be governed by title 57, chapter 3 of the Tennessee Code Annotated. The collection process for this fee shall be governed by Tennessee Code Annotated §57-3-501 et. seq.

8-112. 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. An applicant or applicant group for a retail liquor store permit shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the city council or city administrator may require:

(1) The name and street address of each person to have an interest, direct or indirect, in the retail liquor store as an owner, partner, stockholder or otherwise. That the applicant or applicants who are to be in actual charge of the business have

not been convicted of a felony within a ten (10) year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application.

(2) The name and address of the proposed retail liquor store. That the applicant or applicants have secured a location for the business, which complies with all restrictions of this chapter.

(3) That the applicant or applicants have complied with this chapter regulating the number of retail licenses to be issued.

(4) A statement that the persons receiving the requested certificate to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses and permits under state law and the provisions of this chapter for the operation of a retail liquor store within the city.

(5) The agreement of each applicant 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 as to the validity and reasonableness of this chapter, including the fees and taxes imposed thereby with respect to the sale of retail alcoholic beverages.

(6) Fees. Each original Certificate of Compliance application shall be accompanied by a non-refundable two hundred fifty dollar (\$250.00) investigation fee. One (1) application fee per applicant group is sufficient.

(7) The Certificate of Compliance must be renewed every two (2) years. A renewal application will be provided by the city recorder. There is no fee charged for the renewal of the Certificate of Compliance.(1979 Code, § 2-217, as replaced by Ord. #3097, May 2002, and Ord. #3442, June 2012)

8-115. Business taxes. Each permittee hereunder shall be subject to and shall pay the business taxes provided for under Tennessee Code Annotated, § 67-4-701, et seq., and in particular in compliance with Tennessee Code Annotated §§ 67-4-708(2)(G) and 67-4-709(2). (as added by Ord. #3097, May 2002, and replaced by Ord. #3442, June 2012)

8-116. Other retail sales permitted. Each permittee hereunder shall be permitted to sell retail items related to or incidental to the use, consumption, dispensing or storage of alcoholic beverages, together with merchandise and supplies related to special events or parties, subject to the restrictions in Tennessee Code Annotated §57-3-806(e).

A retail licensee may sell nonalcoholic products to persons under twenty-one (21) years of age, including gift cards.

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders.
- 8-213. Suspension and revocation of beer permits.
- 8-214. Civil penalty in lieu of suspension.
- 8-215. Open beverage containers prohibited.
- 8-216. Signage required.
- 8-217. Limitation on permits issued.
- 8-218. Adoption of the Tennessee Responsible Vendor Act.

8-201. Beer board established. There is hereby established a beer board to be composed of the members of the city council. The mayor shall be the chairperson. All members of the beer board shall serve without compensation. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, and Ord. #3442, June 2012)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board, when there is business to conduct, shall hold regular meetings in the city hall immediately prior to or following regular city council meetings. Special meetings may be called by the chairman provided he gives a reasonable notice thereof to each member. Special meetings may also be called by a majority of the board members, who also shall give reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, and Ord. #3442, June 2012)

¹Municipal code reference

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).

8-203. Record of beer board proceedings to be kept. The city administrator 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. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, and Ord. #3442, June 2012)

8-204. 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. Applicants for beer permits shall appear in person before the board will consider their application. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, and Ord. #3442, June 2012)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the giving away, selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, Ord. #3300, Aug. 2007, and Ord. #3442, June 2012)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in Tennessee Code Annotated § 57-3-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol. Should the Tennessee Code Annotated §57-5-101 statutory definition of "beer" change, that definition shall govern.

8-207. Permit required for engaging in beer business. Subject to Tennessee Code Annotated §57-5-103, it shall be unlawful for any person to give away, sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board.

(1) The beer board shall adopt by resolution the application form for a beer permit. Each application shall be furnished pursuant to Tennessee Code Annotated, § 57-5-103, and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00), plus any other requisite fees pertaining to the acquisition of the permit. Said fee shall be in cash or equivalent payable to the City of Morristown. The applicant shall fully and truthfully complete each portion of the application.

(2) No permit will be issued by the City unless the applicant has been a citizen or lawful resident of the United States for at least one (1) year immediately preceding the date of applying for the permit and the 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. No permit shall be issued hereunder to an individual who is an officer or employee of the city.

(3) A sign of minimum size two feet by two feet (2' x 2') shall be posted on the premise for which application is being made at least fifteen (15) days prior to the meeting of the beer board at which the application will be considered. At least ten (10) days prior to being considered by the beer board, an announcement in a newspaper of general circulation must appear stating the name of the applicant, the type of permit desired, and the address of the premise at which the permit is desired.

(4) A permit is void at midnight of the day a permit holder ceases business for which the permit was granted and must be surrendered to the city cashier's office within five (5) working days.

(5) If application is being made for an establishment that has not been constructed or is under construction, a complete site plan and floor plan must be submitted with the application. The plans must provide a description of the entire premises, including open and parking areas available to and for the use of the business. If construction is not commenced within six (6) months or is not completed within eighteen (18) months from the date of approval of the beer permit; or if after completion of the construction, the facility differs materially from the submitted plans or violates any provisions of this chapter in effect at the time of approval of the permit, any permit issued for the facility becomes immediately void.

(6) A permit is not transferable. (Ord. #2741, May 1994, as amended by Ord. #2911, Jan. 1998, and Ord. #3300, Aug. 2007, and replaced by Ord. #3442, June 2012)

(7) An applicant can apply for the following types of permits:

(a) Off-premises permit for the retail sale of beer for consumption off the premises of the permittee.

(b) On-premises permit for the retail sale of beer for consumption on the premises of the permittee.

(c) On- and off-premise permit for the retail sale of beer for consumption on and off the premises of the permittee in which the business is a restaurant and engaged in the manufacture of beer of alcoholic content of not more than five percent (5%) by weight, and which sells the aforesaid beer for consumption on the premises or off the premises, providing that the aggregate of sales shall not exceed twenty-five thousand (25,000) barrels of beer annually, in accordance with the provisions of Tennessee Code Annotated, Chapter 5, Title 57, as the same now reads, which chapter is hereby incorporated in its entirety by reference as fully as if set forth verbatim herein.

(8) The premises for which an applicant desires a beer permit shall be inspected by all necessary inspection officers of the City.

(9) A temporary permit may be issued by the City Administrator or his designee to allow the continued sale of alcoholic beverages and beer at a location which presently has a valid permit. A temporary permit may be issued in order to allow a new application to be administratively processed and considered by the beer board. The applicant for a temporary permit shall meet all requirements set forth in these ordinances, and the temporary permit shall not be issued for more than thirty (30) days. The City Administrator or his designee shall be entitled to immediately revoke the temporary permit upon discovering any violation of this chapter.

(10) Upon receiving approval and a permit from the beer board, the permit holder shall immediately notify the City Administrator or his designee of any change in business ownership, relocation of the business, changes in the business' name, or termination of the business. Failure to notify the City within five (5) days of any of these changes shall be grounds to cite the permit holder to the beer board to show cause why the permit should not be suspended or revoked.

(11) A beer permit shall be valid only for a single location except as provided in section (12) below, and cannot be transferred to another location.

(12) Where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in his discretion operate some or all such business pursuant to the same permit.

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00) per year. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on issuance of the permit, and each successive January 1, to the City of Morristown, Tennessee. A penalty of ten dollars (\$10.00) will be assessed on the second working day following January 1, and on each successive working day until the privilege tax is paid. If the renewal privilege tax is not paid by February 1 of each year, the permit shall become void and the holder must surrender the permit to the city. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #2741, May 1994, as deleted by Ord. #2900, Nov. 1997, amended by Ord. #2911, Jan. 1998, and Ord. #3391, June 2010, and replaced by Ord. #3442, June 2012)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them.

(1) Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. 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 that are written into his permit by the beer board.

(2) No on-premises permit shall be issued for a premise other than a nonprofit club or restaurant. No on- and off- premise permit shall be issued for a premise other than a restaurant brewery. For purposes of this chapter, "on premise", and "on-and off- premise" shall include the interior of the business enclosed by permanent walls and covered by a permanent roof, as well as all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located, and in the case of a nonprofit club, a golf course that is a part of the establishment. An outdoor serving area shall be defined as a patio, deck, courtyard or other outdoor area where the permitted establishment provides service to the outdoor serving area that is (1) contiguous to the exterior of the building in which the business is located, (2) operated and controlled by the business, and (3) fenced or surrounded on all sides except for designated entrances and exits. The fencing or surrounding barrier need not be permanent, but must consist of a barrier not less than forty (40) inches high and must be constructed of a substantial material without gaps or spaces that would allow ingress and egress of the premises except through designated entrances and exits. Examples of substantial material includes, but is not limited to, securely connected cattle gates, planters, decorative fencing or other decorative architectural or landscaping material. An outdoor serving area may not include all or any part of an area otherwise used by the business or by the public for parking.

(a) "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least forty (40) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The Restaurant should serve at least one (1) meal per day at least four (4) days a week, with the exception of holidays, vacations and periods of redecorating. The serving of such meals shall be the principal business conducted, except where the restaurant is located in a hotel or motel which provides at least thirty (30) rooms or suites for guests, in which case, the restaurant business may be secondary to the hotel or motel business. In no case shall beer be sold at times other than when meals are being served.

(b) "Nonprofit club" means a corporation organized and in good standing under the laws of the State of Tennessee, not for profit, solely for the promotion of some common object of fellowship, recreation and other nonprofit purposes other than the sale and consumption of beverages containing alcohol.

(c) Annual sales of beer as defined in this chapter shall not exceed twenty-five percent (25%) of total taxable sales for any on premise permit holder.

In the application of this section, total taxable sales shall be defined as those food and non-alcoholic beverage sales subject to state and local sales taxes. The permittee shall provide the City Administrator or his designee with proof of compliance with this section when he applies for a renewal of his beer permit. It shall be a violation of this section if the beer sales exceed the twenty-five percent (25%) limit in any calendar year. Should a permittee violate this section, the City shall have the right to deny a permittee's request for renewal.

(3) No off-premise permit shall be issued for a premise other than full line grocery stores, drug stores, or convenience stores. For the application of this section, a full line grocery store shall be defined as a store that maintains an inventory of staple food items including fresh meats, vegetables, produce, and fruits. A drug store shall be defined as a business whose primary business is the sale of prescription drugs and associated items. A convenience store shall be defined as a store that maintains an inventory of basic food items such as luncheon meats, snack items, milk products, bread products, and canned goods.

(4) Each holder of a beer permit shall continuously maintain in this city:

(a) A registered office which may be the same as the permitted place of business; and

(b) A registered agent, who shall be an individual whose business office is identical with the registered office.

(5) No brewer, wholesaler or manufacturer of beer, nor any agent of such brewer, wholesaler or manufacturer, shall be permitted to make a loan of money or furnish any fixtures of any kind or have any interest either directly or indirectly in the business of any retailer of beer, or in the premises occupied by such retailer. No person holding and/or exercising a valid permit issued pursuant to this chapter shall while so doing convey or grant or contract to convey or grant any interest in the business located at the place named on the permit, or an interest in the premise or any property therein, to any brewer, wholesaler or manufacturer of beer regulated by this chapter. No person holding and/or exercising a valid permit issued pursuant to this chapter shall incur or contract any indebtedness or financial obligation to any brewer, wholesaler or manufacturer of beer regulated by this chapter, except for the purchase of the beverages. No permit shall be granted under this chapter to any applicant who at the time of making application, is indebted or financially obligated to any such brewer, wholesaler or manufacturer, except for the purchase of the beverages. (Ord. #2741, May 1994, as amended by Ord. #2900, Nov. 1997, Ord. #3033, May 2000, Ord. #3145, Oct. 2003, Ord. #3163, Jan. 2004, Ord. #3300, Aug. 2007, Ord. #3391, June 2010, and Ord. #3417, June 2011, replaced by Ord. #3442, June 2012, and amended by Ord. #3485, Oct. 2013)

8-210. 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, parks, or other places of public gathering, or would otherwise interfere with the public health, safety, and

morals. For purposes of application of this section, in no event will an off premise permit be issued authorizing the sale of beer within one hundred fifty feet (150') of any church, public or private school, or city park. The distances shall be measured in a straight line¹ from the nearest point of any portion of the building from which the beer will be sold to the nearest point on the property line of the church, school, or park. This distance restriction shall not apply to any premises which is wholly separated from any church, public or private school, or city park by a state or federal road or highway having at least four (4) lanes for traffic. A turning lane shall not be considered one of the required four (4) lanes. "Building" for these purposes shall mean the walls that enclose a grocery store, drug store or convenience store, even though they may lie within a larger building such as in the case of a shopping center. The licensed premises within such building shall not have general access directly to or from other retail stores or shops within the center or other structure wherein the licensed premises is located. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or park if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous one (1) year period. "School" does not include private pre-school, private day care, home school or any institution of learning within the jurisdiction of the Tennessee Higher Education Commission as set forth in Tennessee Code Annotated, § 49-7-203. Issuance of a permit pursuant to this § 8-210 shall be subject to the provisions of § 8-207(5). No permit shall be denied on the basis of proximity to any facility described above if the application for the permit was duly filed and accompanied with the appropriate filing fee prior to commencement of the use of any facility described above for the purposes which would otherwise prohibit the issuance of the permit. (Ord. #2741, May 1994, as amended by Ord. #2900, Nov. 1997, Ord. #3042, Aug. 2000, Ord. #3145, Oct. 2003, and Ord. #3163, Jan. 2004, and replaced by Ord. #3300, Aug. 2007, and Ord. #3442, June 2012)

8-211. 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 beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the business for which application is being made shall have been convicted of any violation of the laws against

¹State law reference

See Watkins v. Naifeh, 625 S.W.2d 104 (Tenn. 1982) and other cases cited therein which establish the straight line method of measurement.

possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale or possession with intent to manufacture, deliver or sell any controlled substance or controlled substance analogue or any crime involving moral turpitude within the past ten (10) years. (Ord. #2741, May 1994, as amended by Ord. #2900, Nov. 1997, and replaced by Ord. #3442, June 2012)

8-212. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder, employee, or person engaged in the sale of beer 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 eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(3) Make or allow any sale of beer on Sunday between the hours of 3:00 A.M. and 10:00 A.M. or between the hours of 3:00 A.M. and 8:00 A.M. on any other day.

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

(5) Allow on the premises an owner, co-owner, operator, proprietor, or employee to drink or be under the influence of any of the beverages regulated by this chapter.

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

(7) Make or allow any sale of beer to any person who appears, or would reasonably appear to be under the influence of any intoxicant whatsoever.

(8) Allow intoxicated person to loiter about his premises.

(9) Make or allow the sale of beer directly to the occupants of a vehicle or through "drive-through" windows.

(10) Provide for or allow any gambling or games of chance involving exchange of money on the premises, excepting activities authorized pursuant to the Tennessee Education Lottery Implementation Law codified at Tennessee Code Annotated, § 4-51-101, et seq.

(11) Knowingly or intentionally permit or allow any person to appear in the establishment or on the premises for which the permit was issued and to:

(a) Publicly or openly perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law;

(b) Publicly or openly engage in the actual or simulated touching with the hand, facial area or mouth, or caressing, or fondling of the breasts, buttocks, anus or genitals;

(c) Publicly or openly engage in the actual or simulated display to public view of any portion of the human male or female genitals, pubic area

or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(d) Publicly or openly wear or use any device or covering exposed to public view which simulates the display to public view of any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the display of the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(e) Employ, use or allow any person in the sale or service of food, wine, beer or other alcoholic beverages while such person is publicly or openly unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(f) Employ, use or allow the services of any hostess or other person to mingle with patrons while such hostess or other person is unclothed or in such attire, costume or clothing as to expose to view any portion of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state; or

(g) Publicly or openly permit any person to use artificial devices or any inanimate objects to depict any prohibited activities described above; or

(h) For the owner of the property, or the owner of any business operated thereon, or any employee thereof to allow or permit any person to remain in or upon the premises who is exposing to public view any portion of the human male or female genitals, pubic area, buttocks with less than a fully opaque covering, the female breast with less than a fully opaque covering of the areola, or the showing of covered male genitals in a discernibly turgid state;

(i) Publicly or openly show films, videotapes, laser discs, CD ROMS, electronic reproductions or other visual reproductions that involve movement depiction of any of the following:

(i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(ii) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;

(iii) Scenes wherein the person displays the vulva, the anus or the genitals;

(iv) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(j) Nothing contained in this section shall be construed to prohibit persons of either sex from engaging in swimming or related activities while clad in attire customarily worn in the community for such purpose;

(k) Nothing contained in this section shall be construed to prohibit the broadcast or display of any television program subject to regulation by the Federal Communications Commission of the United States on the permitted premises. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, amended by Ord. #2911, Jan. 1998, Ord. #3173, March 2004, Ord. #3300, Aug. 2007, Ord. #3356, Feb. 2009, and Ord. #3391, June 2010, and replaced by Ord. #3442, June 2012)

8-213. Suspension and revocation of beer permits. Subject to the provisions of The Tennessee Responsible Vendor Act codified at Tennessee Code Annotated, § 57-5-601, et seq., 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. The beer board is authorized to revoke a beer permit for any of the reasons which would disqualify an applicant in the first instance.¹ However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the chief of police or by any member of the beer board. When a permit is revoked by the beer board, a new permit for the sale of beer on the same premises shall not be issued for one (1) year following the final effective date of the revocation. However, the board may, in its discretion, issue a new permit on the same premises before the expiration of the one (1) year period if the individual applying for the permit is not the original holder of the permit or the agent of the original holder of the permit. Revocations do not stay with the property when the property changes hands.

8-214. Civil penalty in lieu of suspension. Subject to the provisions of Tennessee Code Annotated, § 57-5-601, et seq., the beer board may, at the time it imposes a revocation or suspension, offer a permit holder 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 persons under twenty-one (21) years of age, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for

¹See Midgett v. Smith, 591 S.W.2d 765 (Tenn. 1970) with the property when the property changes hands. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, amended by Ord. #3300, Aug. 2007, and replaced by Ord. #3442, June 2012)

any other offense. The amount of the civil penalties shall be governed by Tennessee Code Annotated §57-5-108 and if the amounts are modified, the Tennessee statute shall control. 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. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, amended by Ord. #3300, Aug. 2007, and Ord. #3391, June 2010, and replaced by Ord. #3442, June 2012)

8-215. Open beverage containers prohibited. It is unlawful for any person to possess open cans, bottles, or containers of beer in motor vehicles in the city or upon the public streets, sidewalks, or other public places in the city, not otherwise permitted by this chapter. There shall be rebuttable presumption that open containers of alcoholic beverages found in a motor vehicle, not within the physical possession of any individual, are in the possession of the driver of the vehicle. (Ord. #2741, May 1994, as replaced by Ord. #2900, Nov. 1997, and Ord. #3442, June 2012)

8-216. Signage required. Pursuant to Tennessee Code Annotated §57-5-301(f), permit holders shall post signs on the premises informing customers of the permit holder's policy against selling beer to underage persons. The signs shall be not less than eight and one half inches by five and one half inches (8 ½ " x 5 ½"), and shall contain the following language: "IF YOU AREN'T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER LICENSE."

8-217. Limitation on permits issued. The beer board shall not issue permits for beer sales that would result in the number of permits in effect numbering more than one hundred and fifty (150). Businesses which may be annexed, and which possess a valid beer license at the time of their annexation; and businesses which had been issued a valid permit which is existing at the time of the final passage of the ordinance comprising this chapter, but which experience a change of control (ownership) such as would require application for issuance of a new permit, shall not be denied a permit on the basis of the limitation of the number of permits to be issued by the city. (Ord. #2900, Nov. 1997, as replaced by Ord. #3442, June 2012)

8-218. Adoption of the Tennessee Responsible Vendor Act. There is hereby adopted and incorporated herein by reference the Tennessee Responsible Vendor Act, codified in Tennessee Code Annotated, § 57-6-601, et seq. Any provisions of title 8, chapter 2 of the municipal code in conflict with the provisions of the Act are hereby repealed. (as added by Ord. #3300, Aug. 2007, and replaced by Ord. #3442, June 2012)

CHAPTER 3

INTOXICATING LIQUORS/LIQUOR-BY-THE-DRINK

SECTION

8-301. Definitions of “alcoholic beverages.”

8-302. Consumption of alcoholic beverages on premises.

8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

8-304. Annual privilege tax to be paid to the city clerk.

8-305. Concurrent sales of liquor by the drink and beer.

8-301. Definitions of “alcoholic beverages”. As used in this chapter, unless the context indicates otherwise, “alcoholic beverage” or “beverage” means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer as defined in Tennessee Code Annotated §57-5-101. Notwithstanding any provision to the contrary in this chapter, “alcoholic beverage” or “beverage” also includes any product containing distilled alcohol capable of being consumed by a human being manufactured or made with distilled alcohol irrespective of alcoholic content, including any infused product.

8-302. 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 Morristown, Tennessee. It is the intent of the City Council that the said Tennessee Code Annotated Title 57, Chapter 4, inclusive, shall be effective in Morristown, Tennessee, the same as if said code sections were copied herein verbatim.

8-303. 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 §57-4-301, for the city 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 alcoholic beverages for consumption on the premises where sold.

8-304. 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 shall remit annually to the city clerk the appropriate tax described in section 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.

8-305. 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, pursuant to Tennessee Code Annotated Title 57, Chapter 4, shall, notwithstanding any other provision contained in the Morristown City Code, qualify to receive a beer permit from the city.

CHAPTER 4

WINE SALES IN RETAIL FOOD STORES

SECTION

8-401. ~~Application of this chapter.~~

8-402. Definitions.

8-403. Adoption of state law.

8-404. Issuance of retail food store wine license.

8-405. Certificate of compliance.

8-406. Issuance of certificate of compliance; appeal.

8-407. Issuance, renewal, suspension, and termination of retail food store wine license.

8-408. Regulation of sales.

8-402. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory:

(1) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in Tennessee Code Annotated, §67-6-228(a) and has retail floor space of at least one thousand two hundred square feet (1,200 sq. ft.);

(2) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. "Wine" does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additives.

8-403. Adoption of state law. There is hereby adopted and incorporated herein by reference the applicable statutes on Retail Food Store Wine Sales, codified in Tennessee Code Annotated §57-3-801, et seq.

8-404. Issuance of retail food store wine license. Any person, partnership, limited liability company or corporation desiring to sell wine to patrons or customers within the premises of a retail food store, in sealed packages only, and not for consumption on the premises, shall make application to the Alcoholic

Beverage Commission for a retail food store wine license. This application shall comply with all the terms and conditions set forth in Tennessee Code Annotated §57-3-801, et seq. The City shall not be permitted to limit the number of retail food store wine licenses issued within the City's jurisdiction.

8-405. Certificate of compliance. As a condition precedent to the issuance of a state liquor retailer's license by the state Alcoholic Beverage Commission, the mayor or a majority of the city council may authorize the issuance of certificates of compliance by the city according to the terms contained herein. An applicant or applicant group for a retail food store wine license shall file with the city recorder a completed written application on a form to be provided by the city recorder which shall contain all of the following information and whatever additional information the city council or city administrator may require:

(1) The name and street address of each person who will be in actual charge of or in control of the business, and a statement that the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application with the state alcoholic beverage commission and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application;

(2) The name and address of the proposed retail food store applying for a retail food store wine license, and a statement that the applicant or applicants have secured a location for the business, which complies with all zoning laws of the city;

(3) That the applicant or applicants have complied with this chapter and the applicable state laws on retail food store wine sales.

8-406. Issuance of certificate of compliance; appeal. A failure on the part of the issuing authority to grant or deny the applicant's request for the certificate of compliance within sixty (60) days of the written application shall be deemed a granting of the certificate. If an applicant is denied a certificate of compliance, the applicant may seek review of such denial by instituting an action in Chancery Court within sixty (60) days of the denial.

8-407. Issuance, renewal, suspension, and termination of retail food store wine license. The issuance, renewal, suspension, and termination of retail food store wine licenses and the regulation of and operation by such license holders shall be governed by Tennessee Code Annotated §57-3-201, et seq., except where Tennessee Code Annotated §57-3-801, et seq. expressly states otherwise.

8-408. Regulation of sales. (1) Hours of sales on weekdays. Retail food store wine licensees shall not engage in the sale of wine, except between the hours of 8:00 A.M. and 11:00 P.M. on weekdays and Saturdays.

(2) Sales on Sundays and holidays. No retail food store wine licensee shall sell or give away any wine between 11:00 P.M. on Saturday and 8:00 A.M. on the

following Monday of each week. No retail food store wine licensee shall sell or give away wine on the following holidays: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.

(3) Sales to minors. No retail food store wine licensee, or any employee thereof, shall sell or give away wine to minors. Prior to making a sale of wine for off-premises consumption, the adult consumer must present to the license holder or any employee of the license holder a valid, government-issued document, such as a driver license or other form of identification deemed acceptable to the license holder that includes the photograph and birth date of the adult consumer attempting to make a wine purchase. Persons exempt under state law from the requirement of having photo identification shall present identification that is acceptable to the license holder. The license holder or employee shall make a determination from the information presented whether the purchase is an adult. In addition to the prohibition of making a sale to a minor, no sale of wine for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the license holder or any employee of the license holder in a face-to-face transaction; however, it is an exception to any criminal punishment or adverse administrative action, including license suspension or revocation, for a violation of this section if the sale was made to a person who is or reasonably appears to be over fifty (50) years of age and who failed to present an acceptable form of identification.

(4) Keeping an unsealed bottle or container. No retail food store wine licensee shall keep, or permit to be kept upon his premises, wine in any unsealed containers or bottles.

(5) Sales to persons intoxicated. No retail food store wine licensee shall sell or give away wine to any person who is intoxicated, nor shall any retail food store wine licensee sell or give away wine to any person accompanied by a person who is intoxicated.

(6) Sales on credit. No retail food store wine licensee shall sell, deliver, or cause, permit, or procure to be sold or delivered, wine on credit.

(7) Wine tastings. No retail food store wine licensee shall conduct tastings of wine on the premises of the retail food store.

(8) Consumption on premises. No wine shall be sold for consumption, or consumed, on the premises of the retail food store, except that a retail food store wine licensee may also hold a license to sell alcoholic beverages for consumption on premises pursuant to Tennessee Code Annotated §57-4-101, et seq., provided that the premises of the on-premises licensee shall be separate and distinct from the premises of the retail food store and the business of the on-premises licensee shall be operated separately and distinctly from the operation of the business of the retail food store wine licensee.

(9) Public display and public drinking prohibited. It shall be unlawful for any person to publicly drink wine or publicly display any bottle or container of wine on any street or sidewalk, on any school ground or in any park, theatre, stadium, or school."

This ordinance shall take effect upon second and final reading, the public welfare requiring same.

PASSED ON FIRST READING THIS THE 15TH DAY OF MARCH, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 5TH DAY OF APRIL, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR