

ORDINANCE #894/08/14/12/#6

AN ORDINANCE OF THE CITY OF BROWNSVILLE, TENNESSEE ESTABLISHING REGULATIONS AND GUIDELINES FOR PACKAGE LIQUOR SALES

Be It Ordained by the Board of Mayor and Aldermen of the City of Brownsville, Tennessee that Title 8 of the Municipal Code is hereby amended to include Chapter 3, Package Liquor Sales, as follows:

**CHAPTER 3
PACKAGE LIQUOR STORES**

SECTION

- 8-301. General.
- 8-302. Chapter not applicable to beer.
- 8-303. Certificate of compliance.
- 8-304. Restrictions on buildings and locations of retail stores.
- 8-305. Retail liquor license.
- 8-306. Consideration.
- 8-307. Inspection fee.
- 8-308. Operational rules and regulations.
- 8-309. Advertising.
- 8-310. Violations.

8-301. General.

(1) Definitions. Whenever used in this chapter, the following terms shall have the following meanings unless the context necessarily requires otherwise:

- (a) "Alcoholic beverage." Alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits or wine capable of being consumed by a human being, other than patented medicine, beer or wine, where either of the latter has an alcoholic content of five (5%) percent by weight, or less.
- (b) "Applicant." The party applying for a certificate of compliance or a license which shall include each person to have any interest, direct or indirect, in the license as owner or partner or in the case of a corporation as officer, director, or stockholder (see additional definition under "corporation").
- (c) "Application." The form or forms an applicant is required to file in order to obtain a certificate of compliance or a license.
- (d) "Certificate of compliance." The certificate provided for in Tennessee Code Annotated, title 57, chapter 3, in connection with the prescribed procedure for obtaining a state liquor retailer's license.
- (e) "Corporation." All certificated entity forms recognized in the State of Tennessee, including, without limitation, limited liability companies, and "stockholder" and "officer" shall be deemed to include members, limited partners, managers, principals and equity holders in said entities.
- (f) "Church". That portion of a building owned by a religious institution that has property tax exempt status that is used for worship services; however, the definition of Church does not include buildings and portions of buildings that are

used for purposes other than worship or that are intended to be leased, rented or used by persons who do not have a tax-exempt status. (TCA 67-4-2903)

- (g) "Inspection fee." 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.
- (h) "License." A license issued by the state under the provisions of this chapter for the purpose of authorizing the holder thereof to engage in the business of selling alcoholic beverages at retail in the city.
- (i) "Licensee." The holder of a license.
- (j) "Liquor store." The building or the part of a building where a licensee conducts any of the business authorized by this license.
- (k) "Retail sale or sale at retail." A sale to a consumer or to any person for any purpose other than for resale.
- (l) "Retailer." Any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.
- (m) "School". Means all public, private, or parochial schools that conduct classes in any grade from kindergarten through grade twelve (K-12). (TCA 49-2-4202, with "private or parochial" added)
- (n) "State alcoholic beverage commission." The Tennessee Alcoholic Beverage Commission, provision for which is made in the State Statutes, including without limitation the provision for which is made in the State Statutes, including without limitation the provisions of Tennessee Code Annotated, title 57, chapter 3.
- (o) "State liquor retailer's license." A license issued under the State Statutes (including the provisions contained in Tennessee Code Annotated, title 57, chapter 1) for the purpose authorizing the holder thereof to engage in the business of selling alcoholic beverages at retail.
- (p) "State rules and regulations." All applicable rules and regulations of the state 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 state alcoholic beverage commission.
- (q) "State statutes." The statutes of the state now in effect or as they may hereafter be changed.
- (r) "Wholesale sale or sale at wholesale." A sale to any person for purposes of resale.
- (s) "Wholesaler." Any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, §§ 57-3-101 through 57-3-110.

- (t) "Wine." 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 climate, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) 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 predominately produced, or an artificial or imitation wine.

(2) Compliance with all applicable laws and ordinances required. It shall be unlawful for any person either to engage in the business of selling, storing, transporting, or distributing any alcoholic beverage, or to sell, store, transport, distribute, purchase or possess any alcoholic beverage, except as provided by the state statutes, by the state rules and regulations, by the federal statutes and by this chapter.

(3) Wholesalers. Unless hereafter authorized by ordinance, no wholesaler's license shall be granted to any person for the operation of any business for the sale at wholesale of any alcoholic beverage. Any wholesaler, whose business is located outside the city and who holds a valid state license and who has paid to the city all privilege taxes and fees applicable to such wholesale business, may sell at wholesale any alcoholic beverage to a licensee in the city and such licensee may purchase any alcoholic beverage from such wholesaler, but only as provided by the state statutes, the state rules and regulations, the federal statutes, and by this chapter.

(4) Sale legalized. It shall be lawful for a licensee to sell any alcoholic beverage at retail in a liquor store, within the corporate limits, provided such sales are made in compliance with applicable federal statutes, state statutes, state rules and regulations, and the provisions of this chapter.

(5) Liability of licensee for acts of others. Each licensee shall be responsible for all acts of such licensee's officers, stockholders, directors, employees, agents and representatives, so that any violation of this chapter by any officer, stockholder, director, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee.

(6) Contraband beverages. Police officers shall take possession of any alcoholic beverages which have been received by, or are in the possession of, or are being transported by any person in violation of state statutes or regulations, federal statutes or this chapter. All beverages shall be turned over to the Tennessee Alcoholic Beverage Commission in accordance with Tennessee Code Annotated, title 57, chapter 9.

8-302. Chapter not applicable to beer. No provisions of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation, etc., or tax upon beer or other liquids with an alcoholic content of five percent (5%) or less.

8-303. Certificate of compliance.

(1) Certificate of good moral character. When application is made of the certificate of good moral character required by Tennessee Code Annotated, § 57-3-208, as a condition to the issuance or renewal of a state alcoholic beverage license, such certificate shall be signed by the Mayor, upon direction of a majority of the city council at a scheduled meeting following an investigation by the chief of police and review of the city attorney, each of whom shall submit their findings to the city council within sixty (60) days of the date each application was filed with the city clerk. The certificate shall become invalid if an application has not been filed with the Tennessee Alcoholic Beverage Commission within sixty (60) days of issuance.

(2) Application – filing: contents. For the applications submitted after the effective date, each application shall be accompanied with nonrefundable certified funds of Five Hundred (\$500.00) Dollars and each applicant for a certificate of compliance shall file a completed form of application, on a form to be provided by the city clerk, and which shall contain all of the following information:

(a) The name and street address of each person to have any interest, direct or indirect, in the license as owner, partner, or in the case of a corporation as officer, director or stockholder or otherwise;

(b) A statement of applicant's prior business experience;

(c) The proposed name of the liquor store to be operated under the license;

(d) The address of the liquor store to be operated under the license;

(e) The names and addresses of at least three (3) residents of the city who have known each applicant for at least two (2) years, and who are not related to the applicant;

(f) The agreement of each applicant to comply with the state, federal and city laws and ordinances and with the rules and regulations of the state alcoholic beverage commission with reference to the sale of alcoholic beverages, and the agreement of each applicant to the validity of and the reasonableness of the regulations, inspection fees and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(g) The financial interest of the owners, partners, stockholders or directors, whether the same is a firm, partnership or corporation.

(h) The application form shall be accompanied by a questionnaire form completed by each person having interest in the business and five (5) copies of a scale plan drawn to a scale of not less than one inch (1") equals fifty feet (50'), giving the following information:

(i) The shape, size and location of the lot upon which the liquor store is to be operated under this license:

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

(iii) 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;

(iv) The identification of every parcel of land within three hundred feet (300') of the lot upon which the liquor store is to be operated indicating ownership thereof and the locations of any structures situated thereon, and the use being made of every such parcel.

(i) The application form shall be signed and verified by each person to have any interest in the license either as owner or partner or in the case of a corporation, as officer, director or stockholder or otherwise.

(j) The application form shall be accompanied by a letter of credit from a financial institution in the amount of \$100,000.00 or greater.

(3) Misrepresentation or concealment of material fact. If any applicant misrepresents any material fact or conceals any material fact in any application form filed for the purpose of complying with the requirements contained in § 8-303(1), such applicant shall be deemed to have violated the provisions of this chapter.

(4) Restrictions upon issuance.

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

(b) The Mayor shall not sign any certificate of compliance for any applicant until:

(i) Such applicant's application has been filed with the city clerk;

(ii) The location stated in the certificate has been approved by the council as a suitable location for the operation of a liquor store, and considering geography of the area to be served;

(iii) The application has been considered at a meeting of the council and approved by the vote of at least three (3) members thereof.

(5) Restrictions upon corporate licenses. If a licensee is a corporation, then in addition to the other provisions of this chapter:

(a) No person owning stock in or who is an officer or director in such corporate licenses shall have any interest as an owner, stockholder, officer, director or otherwise in any business licensed to engage in the sale at wholesale or retail of alcoholic beverage in the state.

(b) No stock of such corporate licensee shall be transferred by sale, gift, pledge, operation of law or otherwise to any person who would not be otherwise qualified as an original stockholder of an initial corporate applicant for a license hereunder.

(6) Term renewal. Certificates of compliance shall be valid for two (2) years from issuance. Certificate renewals shall follow all guidelines and requirements as if they were an original application. Renewals shall be subject to compliance with all applicable state statutes, all applicable state rules and regulations and provisions of this chapter and a \$300.00 renewal fee.

8-304. Restrictions on buildings and locations of retail stores.

(1) All retail sales shall be confined to the premises of the licensees. No curbside service is permitted nor shall there be permitted drive-in windows.

(2) No liquor store shall be located in the city on any premises above the ground floor. Each such store shall have only one (1) main entrance for use by the public as a means of ingress and egress for the purpose of purchasing alcoholic beverages at retail; provided, that any liquor store adjoining the lobby or a hotel or motel may maintain an additional entrance into such lobby as long as such lobby is open to the public.¹

(3) No retail stores shall be in closer proximity to any school (public or private) or any church than three hundred feet (300') as measured in a straight line from the nearest corner of said retail store to the nearest corner of said aforementioned institutions or facilities.

(4) To the fullest extent consistent with the nature of the establishment, full, free, and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(5) No form of entertainment, including pin ball machines, music machines, or similar devices, shall be permitted to operate upon any premises from which alcoholic beverages are sold.

(6) All liquor stores shall be a permanent type of construction in a material and design approved by the City Board. No liquor store shall be located in a manufactured or other movable 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 square footage of the liquor store display area shall be a minimum of 1,000 square feet. All liquor stores shall be subject to the applicable zoning, land use building and safety regulations as adopted within the City of Brownsville Municipal Code, unless specifically stated otherwise herein.

8-305. Retail liquor license.

(1) Qualifications of applicant. To be eligible to apply for or to receive a retail liquor license in the City of Brownsville, Tennessee, an application must satisfy all of the requirements of the state statutes and of the state rules and regulations for a holder of a state liquor retailer's license.

(2) Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one (1) place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise.²

(3) Nature of license: suspension or revocation. The issuance of a license does not vest a property right in the license but is a privilege subject to revocation or suspension by the Tennessee Alcoholic Beverage Commission. The Mayor shall have the authority to report to the Commission any violation of this chapter by the licensee or by any person for whose acts the licensee is responsible.

¹State law reference – Tennessee Code Annotated, § 57-3-404(f).

²State law reference – Tennessee Code Annotated, § 57-3-406.

(4) Display. The licensee shall display and post, and keep displayed and posted his license in a conspicuous place in the licensee's liquor store at all items when an activity or business authorized hereunder is being done by the licensee.¹

(5) Number of licenses. There shall be a limit of three (3) licenses issued and outstanding in the City. One license will be issued per zone. Zone 1 is comprised of an area to include the north and south sides of Jefferson Street from South Washington Avenue east to the city limits, then running north and west to Washington Avenue, but not including any portion of Washington Avenue. Zone 2 is comprised of an area including the east and west sides of North Washington Avenue, Court Square, then running west and north to include the north and south sides of West Main Street, then southwest to include the east and west sides of Grand Avenue. Zone 3 is comprised of an area running east and south from Grand Avenue, but not including any portion of Grand Avenue, south of West Main Street, but not including any portion of West Main Street, to Jefferson Street, but not including any portion of Jefferson Street.

(6) Transfer. A licensee shall not sell, assign, or transfer his license or any interest therein to any other person without a certificate of compliance by the board. Provided, however, licensees who are serving in the military forces of the United States in time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section. In any case where a licensee is an individual and the individual dies or becomes incapacitated during the term of the license, upon proper application to the city council and upon compliance with all regulations hereunder and all applicable laws of the state or regulations of the alcoholic beverage commission of the state, the widow or duly qualified and appointed personal representative or guardian or conservator of said licensee may be issued a license for said retail establishment for the duration for the term of the original licensee's license. If a partnership, the surviving partner may do likewise, having said license issued to him as an individual.

(7) Miscellaneous restrictions upon licensees and their employees.

(a) No retailer's 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 such interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage or lien, or to participate in the profits of any such business. The foregoing shall not apply to uncompensated appointees to municipal boards and commissions where the boards or commission on which such appointees serve have no duty to vote for, overlook, or in any manner superintend the sale of alcoholic beverages.²

(b) No retailer shall be a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the legal entity to which he 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; and in the case of any such conviction occurring after a license has been issued and received, the license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.³

(c) No license shall, under any condition, be issued to any person who within ten (10) years preceding application for such license or permit shall have been convicted of any offense under the laws of the state or of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing or otherwise handling intoxicating liquors or who has, during such period, been engaged in business alone or with

¹ State law reference – Tennessee Code Annotated, § 57-3-211.

² State law reference – Tennessee Code Annotated, § 57-3-210(b).

³ State law reference – Tennessee Code Annotated, § 57-3-210(c).

others, in violation of any such laws or rules and regulations promulgated pursuant thereto, or as they existed or may exist thereafter.¹

(d) No manufacturer, brewer or wholesaler shall have any interest in the licensee's rental, occupancy or revenues.²

(e) It shall be unlawful for any person to have ownership or to participate, either directly or indirectly, in the profits of any retail business licensed, unless his 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 shall be fully disclosed to the State Alcoholic Beverage Commission and approved by it. Where such interest is owned by such person on or before the application for any license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signed or prepared the application or whether the same is prepared by another; or if such interest is acquired after the issuance of the license, the burden of such disclosure of the acquisition of such interest shall be upon the seller and the purchaser.³

(f) No retailer or any employee thereof engaged in the sale of alcoholic beverages shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer to employ any person under eighteen (18) years of age for the physical storage, sale or distribution of alcoholic beverages, or to permit any such person under such age in its place of business storage, sale or distribution of alcoholic beverages.⁴

(g) No retailer shall employ in the storage, sale or distribution of alcoholic beverages, any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be convicted he shall immediately be discharged; 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

(h) No licensee shall employ any canvasser, agent, solicitor or representative otherwise for the purpose of receiving an order from a consumer of any alcoholic beverages at the residences or places of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This paragraph shall not be construed so as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises.

(i) The issuance of a license does not vest a property right in the licensee, but is a privilege subject to revocation or suspension under this chapter.

8-306 Consideration. In issuing the initial certificates of compliance sufficient for the licensing of up to three liquor stores in the City permitted by this Chapter, the City will accept all completed applications filed before a closing date to be fixed by it and after publication of notices published in a newspaper of general circulation in Haywood County, Tennessee, required by State law. Applications shall be submitted to, and collected by, an independent agency hired by the City of Brownsville; and said agency shall verify the qualifications and completeness of each application. All applications meeting the qualifications set forth herein and that qualify according to State law shall be submitted for a random drawing process, conducted by the independent agency, for each zone for the applicants in that respective zone. The first name drawn shall be awarded the certificate of compliance, pending successful completion of all requirements in this ordinance. Such persons, and only such persons, shall receive the initial Certificates or initial license; and shall have a time period not to exceed 180 days from the date the Certificate is issued to have the business open and operating. Other applications shall be

¹ State law reference – Tennessee Code Annotated, § 57-3-210(d).

² State law reference – Tennessee Code Annotated, § 57-3-210(e).

³ State law reference – Tennessee Code Annotated, § 57-3-210(f).

⁴ State law reference – Tennessee Code Annotated, § 57-3-210(h).

⁵ State law reference – Tennessee Code Annotated, § 57-3-210(i).

drawn by zone, and placed in order of being drawn; and if thereafter a license becomes available due to the cancellation, revocation or otherwise of a previously issued license, or inability to open within the prescribed timeframe, then the independent agency will move to the next name on the list in the applicable zone. Applications shall be retained by the City until such time as all liquor stores for which Certificates of Compliance have been issued by the City are open for business. At that time, all pending applications which do not result in the granting of Certificates of Compliance will expire and be disposed of by the City. Applications can only be submitted to the City during the time frame the City Board has set for receipt of such applications. Applications and all matters submitted with or as 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.

8-307. Inspection fee.

(1) Levied. The City of Brownsville, Tennessee hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city.

(2) Invoices.

(a) It shall be unlawful for any wholesaler to supply, ship or otherwise deliver any alcoholic beverages to a licensee, and it shall be unlawful for any licensee to receive any alcoholic beverage, unless there shall be issued and delivered to the licensee by the wholesaler, currently with each such shipment or delivery, an invoice showing:

- (i) The date of the transaction;
- (ii) The name and address of the wholesaler and of the licensee;
- (iii) The brand name and quantity of alcoholic beverage covered by the invoice; and
- (iv) The unit wholesale price and the gross wholesale price for each item listed thereon.

(b) The wholesaler's invoice shall be issued and delivered to the licensee as hereinabove provided without regard to the terms of payment of the invoice so as to include all such transactions whether for cash or on credit or partly for cash and partly on credit.

(3) Form for reports: rules and regulations. The city clerk shall prepare and make available to each wholesaler or other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by each licensee making purchases from such wholesaler or other source; and the city clerk is authorized to promulgate reasonable rules and regulations to facilitate the reporting and collection of inspection fees and to specify the records of such sales and fees to be kept by each wholesaler or other vending source.

(4) Collection. Collection of the inspection fee levied herein shall be made by the wholesalers or other source, vending to the licensee at the time the sale is made to the licensee, and in such case payment of the inspection fee by such collecting wholesaler or other source shall be made to the city clerk on or before the fifteenth (15th) day of each calendar month. Nothing herein shall relieve the licensee of the obligation of the payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee is made to the city clerk on or before the fifteenth (15th) day of each calendar month.

(5) Effect of failure to report and pay. The failure to pay the inspection fee and to make the required reports accurately and within the time prescribed in this chapter shall be reported by the Mayor to the Tennessee Alcoholic Beverage Commission as a violation of this chapter.

(6) Use of funds. All funds derived from the inspection fees imposed herein shall be paid into the general fund of the city. The city shall defray all expenses in connection with the enforcement of this chapter, including particularly the payment of the compensation of officers, employees or other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed; the board finds and declares that the amount of those inspection fees is reasonable and that the funds expected to be derived from these inspection fees will be reasonably required for said purposes.

(7) Supplemental nature. The inspection fee levied herein shall be in addition to any general gross receipts, sales or other general taxes applicable to the sale of alcoholic beverages and shall not be a substitute for such taxes.

(8) Inspections. The city Mayor, city clerk or the authorized representative of either of them, are authorized to examine the books, papers, and records of any licensee at any and all reasonable times for the purpose of determining whether the provisions of this chapter are being observed. The city Mayor, the city clerk, the finance director, the chief of police and any other police officer of the city is authorized to enter and inspect the premises of a liquor store at any time the liquor store is open for business. Any refusal to permit the examination of the books, papers and records of a licensee, or the inspection and examination of the premises of a liquor store shall be unlawful. The Mayor shall forthwith report such violation to the state alcoholic beverage commission with the request that appropriate action be taken to revoke the license of the offending licensee.

8-308. Operational rules and regulations.

(1) Records to be kept by licensee. In addition to any records specified in the rules and regulations promulgated by the city clerk pursuant to this chapter, each licensee shall keep on file at such licensee's liquor store the following records:

(a) Original invoices required herein for all alcoholic beverages bought by or otherwise supplied to the licensee;

(b) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler; and

(c) An accurate record of all alcoholic beverages lost, stolen, damaged, given away, 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, where known, the name of the person or persons receiving the same.

(d) All such records shall be preserved for a period of at least two (2) years unless the city clerk gives the licensee written permission to dispose of such records at an earlier time.

(2) Hours and days of operation. No liquor store shall be open and no licensee shall sell or give away any alcoholic beverage on Christmas Day, on Thanksgiving Day, on New Year's Day, on Labor Day, on the 4th of July or 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.¹

(3) Management. Each liquor store licensed hereunder shall be personally and actively managed by the holder of the license, if the licensee is an individual, or by a partner or corporate officer, if the licensee is a partnership or corporation. In every case where alcoholic beverage is sold by a licensee that is either a partnership or a corporation, the name and address if the managing partner or the corporate officer who will be in active control and management of the liquor store shall be designated in the application, and any future changes in such shall be reported forthwith in writing to the city clerk.

(4) No retailer shall sell, lend, or give away any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell, lend, or give away such beverages to any person accompanied by a person who is drunk.²

(5) No retailer shall sell, lend, or give away any alcoholic beverages to a person under twenty-one (21) years of age. It shall be the responsibility of the retailer, or his agents or employees, or ascertaining the age of any persons hereunder and, in the absence of false representations by any person under the age of twenty-one (21) years, reasonable relied upon by said retailer, his agent or employees, and any selling, lending, or giving away to persons under twenty-one (21) years of age shall be a violation of this section.³

¹ State law reference – Tennessee Code Annotated, § 57-3-406(e).

² State law reference – Tennessee Code Annotated, § 57-3-406(c).

³ State law reference – Tennessee Code Annotated, § 57-3-406(d).

8-309 Advertising. No outdoor sign, advertisement or display that advertises alcoholic beverages may be erected or maintained on the property on which an establishment holding a valid retail liquor license from the State of Tennessee and the City of Brownsville, Tennessee is located other than one (1) sign, advertisement or display which identifies the name of the store and/or makes reference to the fact that the establishment sells alcoholic beverages but does not use brand names, pictures, numbers, prices, or diagrams relating to alcoholic beverages. No advertising or signage is allowed except on the front face of the building. Signage on the front of the building is limited to one square foot per horizontal linear foot of the face of the building and must comply with Chapter 11 of the City of Brownsville Municipal Code. Any other advertising shall be confined to the interior of the premises for which the permit applies and permittees shall not place signs in the window which are visible to any persons outside of the premises.

8-310 Violations. Any person violating any provision of this chapter shall be guilty of an offense, and shall be fined a minimum of ten dollars (\$10.00) and a maximum of fifty dollars (\$50.00) for each such violation. Any licensee violating any provision of this chapter shall be subject to having his license suspended or revoked for such violation as provided in this chapter, or by the state statutes, or by the state rule and regulations. Whenever any person licensed hereunder fails to account for or pay over to the city clerk any license fee or inspection fee, the city clerk shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee.

READ AND ADOPTED this the 14th day of August, 2012.

First Reading July 10, 2012
Second Reading Aug 14, 2012
Public Hearing Aug 14, 2012



Jo Matherne, Mayor

ATTEST:



Jessica Frye, City Clerk