

TITLE 2

ALCOHOLIC BEVERAGES

CHAPTER

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CHAPTER 1

INTOXICATING LIQUORS

SECTION

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2-101. Definitions. Whenever used in this chapter unless the context requires otherwise.

(1) "Alcoholic Beverage" or "Beverages" and "Intoxicating Liquor" 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, beer or wine, where the latter two (2) contains an alcoholic content of five (5) percent by weight or less .

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

(3) "Retailer" or "Dealer" means any person who sells at retail, any beverage covered by this ordinance.

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

(5) "City Commission" refers to the Board of Commissioners of the City of Paris.

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

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

(8) Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural.

(For provisions prohibiting driving under the influence, see Section 9-109 in this Code; for provisions prohibiting minors in beer places, prohibiting public drunkenness, and prohibiting drinking beer, etc., on the streets, etc., see Title 10. For general provisions in the State law, see Title 57 of the Tennessee Code Annotated.)

2-102. Scope of chapter. It shall be unlawful to store, transport, sell, give away, distribute, possess and receive alcoholic beverages in the City unless provisions of this Chapter and the laws of the State of Tennessee and the State Rules and Regulations of the Alcoholic Beverage Commission 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 (5) percent by weight or less, and no ordinance related thereto is modified by this Chapter. (Ord. #417, 04/30/70).

2-103. State laws to be complied with. No person, firm, corporation, association or partnership shall engage in the retail liquor business unless all the necessary State licenses and permits have been obtained (Ord. #417, 04/30/70).

2-104. Restrictions on operations of retail liquor stores.

(1) No person, member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointive or elective, or who is a public employee either national, state, city, or county. It shall be unlawful for any such person to have any interest in such 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.

(2) Domicile – No person, member of a firm, corporation, partnership, or association shall own or operate a retail store for the sale alcoholic beverages as herein defined if he shall not have been a person domiciled for the last five (5) years in Henry County, Tennessee; and in the case of a corporation, firm, association, or partnership, this requirement as to domicile shall apply to all of its officers, and this requirement as to domicile shall apply to all partners of a partnership except this limitation shall not apply to any person now holding an operator's permit and is not domiciled in Henry County, Tennessee (Ord. #510, 02/03/77).

(3) Citizenship – No person shall own or be employed in the storage, sale or distribution of alcoholic beverages except a citizen of the United States.

(4) Age Limit – No retailer or any employee thereof engaged in any activity covered by this ordinance shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under said age on his place of business to engage in sale of alcoholic beverages. Further, it shall be unlawful for any minor to misrepresent his age in purchasing or attempting to purchase alcoholic beverages.

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

(6) Transfer or sale of license – The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued.

(7) Restrictions Cumulative – The provisions of this section shall be in addition to any other restrictions or conditions, which may be contained elsewhere in the provisions of this Chapter.

2-105. City Privilege License. The privilege license shall be levied on the business in accordance with the provision of the “Business Tax Act” as enacted by the 87th General Assembly of Tennessee, by Chapter 387 of the Public Acts of 1971, as amended.

2-106. Regulation of Sales.

(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 Saturday.

(2) Sales on Sundays – No retailer shall sell or give away any alcoholic beverages between 11:00 p.m. on Saturday and 8:00 a.m. on the following Monday of each week.

(3) Sales to minors – No retailer shall sell or give away any alcoholic beverages to any person under twenty-one (21) years of age, and it shall be unlawful for any such minor to purchase any alcoholic beverages. Also, it shall be unlawful for any person to present false evidence that he has attained the age of twenty-one (21) years. (Revised Ord. #564, 11/05/81; Ord. #611, 08/01/84).

Notwithstanding the provisions of this section to the contrary, any person who is not twenty-one (21) years of age on the effective date of this ordinance, but was born before August 1, 1965, shall be of legal age to purchase, consume or possess alcoholic beverages as defined by this chapter.

Provided further that the provisions of this section shall not apply to any person who is nineteen (19) or twenty (20) years of age when such person is accompanied by a parent or legal guardian. Provided, however, that such parents or legal guardians shall be civilly liable for any damage or injury proximately caused by a person nineteen (19) or twenty (20) years of age consuming alcoholic beverages pursuant to this chapter.

Provided, however, that members of the United States armed forces on active duty shall not be subject to the legal age or age of majority provisions with respect to the purchase, consumption or possession of alcoholic beverages which are subject to the provisions of this chapter.

(4) Sales on holidays – No retailer shall sell or give away any alcoholic beverages on the following holidays: Christmas, Thanksgiving, Labor Day, New Year’s Day and the Fourth of July. (TCA 57-142).

(5) Keeping an unsealed bottler or container – No retailer of alcoholic beverages shall keep or permit to be kept upon his premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(6) Sales to persons intoxicated – No retailer shall sell or give away any alcoholic beverages to any person who is drunk, nor shall any retailer sell or give away any alcoholic beverages to any person accompanied by a person who is drunk.

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

(8) Unstamped merchandise – No retailer shall own, store or possess upon the premises any unstamped merchandise required by laws of the State of Tennessee to have affixed thereto revenue stamps of the State.

(9) Political advertising – No political advertising of or for any candidate or party by poster, handout card, matches or other similar election campaign material shall be placed or dispensed on the premises of a retail liquor store.

(10) Consumption on premises – No alcoholic beverages shall be sold for consumption or consumed on the premises of the seller.

2-107. Location restrictions. It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Paris unless said location of the liquor store shall be in either Zone B-1, B-2, or Planned Business District (PB) as appears on the Official Zoning Map of the City of Paris on the date of application. Location in a Planned Business District must meet the requirements of the Zoning Code of the City of Paris and in no event will such store be allowed when it is two hundred and fifty (250) feet or nearer to the nearest property line of any church, school, public playground, or public institution as measured by the distance a pedestrian would normally walk from the center of the door of such liquor store to the center of the front door of such church, school, public playground or public institution. No more than one (1) liquor store shall be located in one (1) city block and no liquor store shall be located in the same city block with a church. A city block shall be the linear distance between adjacent intersections along the same street, nor shall there be any billboard or other advertising of alcoholic beverages within the aforementioned restricted area.

2-108. Retail store restrictions. No retail store shall be located except on the ground floor and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two streets, such retail store may maintain a door opening on each of the public streets. Provided, however, that any salesroom adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby, so long as same shall be opened to the public. In addition, 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 of dispensing of alcoholic beverages there sold or dispensed. Said building shall be of a permanent type construction and no store shall be located in a mobile home or other movable type building. Said store shall have night lighting all around the outside of the premises, and shall be equipped with a burglar alarm system on the inside of said premises and shall be of a minimum size of 900 square feet. No retail store shall be permitted unless outside the main building but on the premises between the building and the main street adjacent to the premises there is sufficient space on a paved surface for the parking of at least five (5) automobiles, exclusive of parking spaces for employers and employees of the store, except in the Central Business District (B-2) or Planned Business District (PB).

Inspection fees.

(1) There is hereby levied an inspection fee of eight percent (8%) on the gross purchase price of alcoholic beverages purchased by retail dealers in the City of Paris for the purpose of resale (Ord. #515, 06/08/77).

(2) Collection – The inspection fee shall be collected by the wholesaler and transmitted to the City Treasurer not later than the 20th day of each month the month preceding (Ord. #417, 04/30/70).

2-110. Content of application to the City of Paris for Certificate of Good Moral Character. Each applicant for a Certificate of Good Moral Character shall file an application for same on a form provided by the City of Paris. Such application shall be accomplished by instructions thereon.

A copy of each application form, questionnaire, partnership agreements or any other form or material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this same application, and shall be attached to the City application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The city attorney shall review the applications and notify the applicants, the City Commission and the City Manager of any errors in insufficiencies noted on the application. The application form shall be signed and verified as owner, partner, stockholder, director or otherwise. If at any time the applicable state statutes shall be changed so as to dispense with the requirement of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the City Recorder.

2-111. Certificate of good moral character. A certificate of good moral character shall be signed by a majority of the City Commission while in session and conditioned upon the applicant fulfilling the following requirements.

(1) The applicant or applicants who are to be in actual charge of the business are to be of good moral character and are to be personally known to a majority of the City Commission, or

(2) If a corporation, partnership, association, or firm, the executive officers or those in control are to be of good moral character and personally known to a majority of the City Commission, and

(3) The applicant has not violated any of the provisions of this chapter or the laws of the State of Tennessee and of the United States which regulate the control on intoxicating liquors, within ten (10) years prior to the date of this application.

(4) Each applicant must furnish to the City Commission a financial statement before time of making application.

2-112. Restriction on number of stores. There shall be no more than four (4) retail stores for the sale of alcoholic beverages as hereinabove defined.

2-113. Processing applications.

(1) All applications submitted in accordance with Title 2, Chapter 1, Section 10 of the Paris Municipal Code shall be filed with the City Recorder at least ten (10) days prior to a regular or special called meeting. The Mayor and Board of Commissioners shall review the application and take appropriate action in accordance with Section 2-111 of the Paris Municipal Code.

(2) Applications for renewal of license by the licensee will be processed in the same manner and under the same conditions as a new application.

(3) Application for employee's permit to serve as an employee in the place of business of a retail liquor store under the provision of 57-117 Tennessee Code Annotated shall submit the name of such employee to the Chief of Police of the City of Paris.

2-114. Advertising. All advertising of any kind by retailers shall be governed by the rules of the Alcoholic Beverage Commission, as set out in Chapter 0100-3 LOCAL OPTION LIQUOR RULES. Provided, however, that all signs and billboards allowed by the rules of the Alcoholic Beverage Commission must conform to the provisions of 11-1300, *et. seq.*, of the Paris Municipal Code governing size, construction, erection, alteration, permitting, and use of all signs within the City of Paris. (Ord. #564, 11/5/81, Ord. #1054, 1/5/06).

2-115. Time Period. Any applicant who has obtained a certificate of good moral character from a majority of the City Commission as provided hereinabove, must, within six (6) months open a store for the retail sale of alcoholic beverages to the public or said certificate of good moral character will be considered to have been fraudulently obtained and will be automatically revoked by the passage of said time, and a certification thereof will be forwarded immediately to the Alcoholic Beverage Commission of the State of Tennessee and the license issued to said application will be considered to have been cancelled and revoked (Ord. #417, 04/03/70).

2-116. Penalties. Any violation of any section of this chapter upon conviction, shall be punished by a fine of not less nor more than fifty (\$50.00) dollars. Each day such violation continues shall constitute a separate offense. This penalty shall be in addition to any other penalty provided by any section of this chapter (Ord. #417, 04/30/70).

2-217. Severability. The provisions of the ordinance are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this ordinance shall remain in full force and effect, it being the intent now declared that this ordinance would have been adopted even if such unconstitutional or void matter had not been included therein (Ord. #417, 04/30/70).