

Before any application will be accepted by the town you must provide the following:

1	A non-refundable Two Hundred Fifty (\$250.00) dollar application fee
2	A copy of your lease or deed of ownership
3	A copy of your Sales Tax Registration
4	A copy of your Cheatham County Business License
5	A copy of your Drivers License
6	<u>Proof of US Citizenship</u> - Provide a copy of one of the following: Social Security Card, Birth Certificate, Permanent Resident Card (Green Card) or Naturalization Papers
7	Make sure the number where you can be reached is on the application. You will be notified of the date and time that the Kingston Springs Beer Board will meet to review your application. The applicant is required to be present at the meeting.

A background check will be run on all applicants.

If your application is approved by the board your permit will be available the next business day at city hall.

You must pay the pro rata portion of your annual privilege tax at the time you pick up your permit.

If you have any questions please contact: Debbie K. Finch, City Recorder at 952-2110 Extension 12.

THE TOWN CAN NOT PROVIDE YOU WITH LEGAL ADVISE. IF YOU NEED LEGAL ADVISE YOU MUST CONTACT AN ATTORNEY.

**TOWN OF KINGSTON SPRINGS
BEER BOARD APPLICATION
AND
RULES AND REGULATIONS FOR PERMIT HOLDERS**

NOTICE: A non-refundable Two Hundred Fifty (\$250.00) Dollars fee must accompany this application. If the application is approved, you are required to provide documentation of sales tax registration to the Town within ten (10) days of approval. Any applicant making false statements in this application shall forfeit the permit and shall not be eligible to receive any permit for a period of ten (10) years.

An annual privilege tax of One Hundred (\$100.00) Dollars is imposed on the business of selling, distributing, storing or manufacturing beer in this state each January 1 annually. Any holder of a beer permit issued after January 1 shall pay a pro rata portion of this annual tax when the permit is issued. Failure to pay the annual privilege tax will result in a revocation proceeding. The annual privilege tax is payable to the Town of Kingston Springs and should be received not later than January 10 of each year and should be mailed to:

City Recorder
Town of Kingston Springs
P.O. Box 256
Kingston Springs, Tennessee 37082

RULES AND REGULATIONS:

1. An off-premises permit holder shall sell beer only in commercially sealed containers. The presence of a non-commercially sealed container within an area of the off-premises permittee's premises is prohibited. Presence of a non-commercially sealed or unsealed container within the off-sale premises used by the public creates a presumption the permittee is selling beer for on-premises consumption.
2. Beer shall not be sold through any drive thru or delivery window regardless of the type of permit held.
3. Home delivery of beer is prohibited.
4. In the event of disciplinary proceedings, it shall be no defense that an employee or agent of a permittee acted contrary to order, or that permittee did not personally participate in a violative act(s).
5. The permit holder is responsible to insure knowledge and compliance of all applicable law and rules and regulations.

6. Applicant shall show evidence of lease or ownership of the property where the business will be located. A copy of the lease or deed of ownership shall be attached to the application.
7. Retail permittees shall post conspicuously that sale to under-aged persons is prohibited. When ascertaining the age of a person purchasing or attempting to purchase beer, such shall be by viewing a valid form of identification, e.g. valid driver's license, U.S. Active Military Identification, passport or other photo identification.
8. Permittees shall surrender their permits in person to the Town during the Town's regular business hours immediately following a termination.
9. Each wholesaler, prior to any delivery, shall examine a retailer's permit and verify the retail permit holder is still employed. No delivery shall be made when a permit holder is not employed at the business location.
10. All permit holders must maintain a copy of these rules and regulations and the Town's beer ordinances, as amended, at the business location.

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. BEER.
2. LIQUOR BY THE DRINK.

CHAPTER 1

BEER²

SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Beer permits shall be restrictive.
- 8-109. Interference with public health, safety, and morals prohibited.
- 8-110. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-111. Prohibited conduct or activities by beer permit holders.
- 8-112. Privilege tax.
- 8-113. Civil penalty in lieu of suspension.
- 8-114. Revocation or suspension of beer permits.

8-101. Beer board established. There is hereby established a beer board to be composed of the board of commissioners. The chairman of the beer board shall be the mayor. (1984 Code, § 2-101)

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

¹State law reference

Tennessee Code Annotated, title 57.

²State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1984 Code, § 2-102)

8-103. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1984 Code, § 2-103)

8-104. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1984 Code, § 2-104)

8-105. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (1984 Code, § 2-105)

8-106. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1984 Code, § 2-106)

8-107. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A., § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Kingston Springs. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #93-012, Oct. 1993)

8-108. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It

shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. A single permit may be issued for on premise and off premise consumption at the same location. (1984 Code, § 2-108, modified)

8-109. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer shall be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering or otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer to a permit holder within three hundred (300) feet of any school or church, as measured in a straight line from the nearest corner of a school or church structure to the nearest corner of the structure where the beer is to be stored, sold or manufactured. (1984 Code, § 2-110, as replaced by Ord. #05-004, May 2005)

8-110. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten years. (1984 Code, § 2-111, modified)

8-111. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

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

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

(3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

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

(5) Allow any minor under nineteen (19) years of age to loiter in or about his place of business.

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

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

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

(9) Fail to provide and maintain separate sanitary toilet facilities for men and women, if beer is consumed on the premises.

(10) On premises permit holders shall be prohibited from serving beer between the hours of 3:00 A.M. and 8:00 A.M. on Mondays through Saturdays and between the hours of 3:00 A.M. and 10:00 A.M. on Sundays. (1984 Code, § 2-112, modified, as amended by Ord. #04-006, May 2004)

8-112. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Kingston Springs, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93-012, Oct. 1993)

8-113. Civil penalty in lieu of suspension. 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 \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #93-012, Oct. 1993)

8-114. Revocation of suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the board or commissioners. (1984 Code, § 2-113)

CHAPTER 2

LIQUOR BY THE DRINK

SECTION

8-201. Annual privilege tax.

8-201. Annual privilege tax. There is here and now levied an annual privilege tax for collection from every person or entity which engages in the business of selling at retail alcoholic beverages for consumption on premises within the municipal limits of the Town of Kingston Springs, to wit:

LICENSE FEES

Restaurants:
Liquor and Wine

75 - 125 seats	\$ 600.00
126 - 175 seats	\$ 750.00
176 - 225 seats	\$ 800.00
226 - 275 seats	\$ 900.00
276 seats and over	\$1,000.00

Wine Only

40 - 125 seats	\$ 120.00
126 - 175 seats	\$ 150.00
176 - 225 seats	\$ 160.00
226 - 275 seats	\$ 180.00
276 seats and over	\$ 200.00

The city recorder upon final passage of this chapter shall forward a certified copy of this chapter to the Alcoholic Beverage Commission. (as added by Ord. #04-005, May 2004)

7. Will beer be sold at 2 or more restaurants or other businesses within the same building under the same beer permit?
 Yes No If yes, identify each restaurant or business (attach separate sheet if necessary):

Business Name	Location	Seating Capacity	Designated Use

8. Do you have a current health permit issued by the local health department posted on the premises? Yes No

If yes, when does it expire: _____

9. Name(s) of owner of the property: _____

Property address: _____

Deed Book and Page No. _____ Lease Expiration Date: _____

(Attach a copy of the executed lease or recorded deed of ownership hereto; leases must be accompanied by a sketch showing all leased area, within the building and outside area.)

10. List persons, firms corporations, joint-stock companies, syndicates, or associations having at least a five (5%) percent ownership interest in the business entity. Complete in detail. Attach a separate sheet if necessary. If corporation, give address of applicant's principal place of business.

Name of Individual Applicant Partners, or Officers and Directors	Title Percentage	Home Address and Telephone Number	Date and Place of Birth	SSN:	*U.S. Citizen Y or N

11. Previous Address of Applicant: _____

12. If Applicant is an individual, give name and date and place of birth of spouse: _____

13. If Applicant is a corporation, give name and date and place of birth of any spouse of anyone having a 50% or greater interest in the business corporation or partnership:

Name: _____ Date/Place of Birth: _____

Name: _____ Date/Place of Birth: _____

Name: _____ Date/Place of Birth: _____

14. For corporations that are not publicly traded:

Registered Name of Corporation: _____

Date and Place of Incorporation: _____

If foreign corporation, give date of certificate of authority: _____

15. List stockholders having five (5%) percent or more ownership interest in the business:
(attach separate sheet if necessary)

Name of Stockholder First Middle Last	%	Home Address and Telephone Number	Date and Place of Birth	SSN:	*U.S. Citizen Y or N

16. For Corporations Only:

At a regular or special meeting held on the _____ day of _____, 20____, by the Applicant, it was resolved that said application be filed with the Beer Permit Board and that _____ (name or officer and title) or _____ (name of officer and title) is/are hereby authorized to execute said application and any other papers required by the Board.

17. Designate the person or persons who will be in charge of the operations on premises in the absence of the Applicant:

Name First Middle Last	Home Address and Telephone Number	Date and Place of Birth	SSN:	*U.S. Citizen Y or N

18. Conviction Record: Has any person, firm, joint-stock company, syndicate or association having at least a five (5%) percent ownership interest in the Applicant or any person to be employed in the distribution or sale of beer been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer, or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years? (Moral turpitude means a felony conviction, all sex related crimes, selling of class 1 and 2 controlled substances illegally and embezzlement.) Yes No

If yes, list below:

Name First Middle Last	Charge(s)	Date of Conviction	Disposition	Location, Court, County and State

19. Name and address of representative to receive the annual tax notice and other communications from the Beer Board:

20. Is the building to be licensed located within 190 feet of any church or school? Yes No

21. Has the Applicant ever had a beer permit revoked, suspended or denied in the State of Tennessee? Yes No

If yes, explain: _____

22. Give the name and address of the former permit holder for the subject location, if known::

23. Are you familiar with the laws of the State of Tennessee and the Beer Board governing the sale and distribution of beer? Yes No

24. (a) Have you received or reviewed a copy of the beer laws of the State of Tennessee, and from the municipality, a copy of ordinance/code and a copy of the rules and regulations of the Beer Board? Yes No

(b) Does the applicant and location meet all requirements to hold the requested permit? Yes No

25. Is the application in arrears for remittances to the Tennessee Department of Revenue as to sales tax? Yes No

26. Is the applicant under a State or Federal Notice of Tax Lien? Yes No

27. Does the applicant hold a TABC permit? Yes No; specify type: _____

28. Does the applicant agree and understand that beer may only be purchased from a licensed wholesaler and cannot be moved/transported from one retail location to another? Yes No

29. Applicant expressly agrees that the Town is authorized to conduct a background check by virtue of this application.
 Yes No

Applicant hereby solemnly swears that each and every statement in the foregoing application is true and correct; that the Beer Board will be notified promptly if there is a change in circumstances that affects the responses provided in this application; that this application is being relied upon to make a determination of good moral character; that (1) no beer will be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals; (2) no sale shall be made to anyone under twenty-one (21) years of age; (3) no person, firm, corporation, joint-stock company, syndicate or association having at least a five (5%) percent ownership interest in the Applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years; (4) no person employed by the Applicant in such distribution or sale has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years; (5) no sale shall be made for on-premises consumption unless the application and the permit so state; (6) the Applicant is not a specially designated national and has legal status to hold a permit as any other U.S. citizen might possess; (7) the Applicant for purposes of compliance for any permit issued, shall make all employees aware of state and local beer laws and rules/regulations and strict adherence thereto; and (8) upon cessation of business, revocation or suspension of a permit, the permit shall immediately be surrendered to the Beer Board.

If any statement herein is false, the Applicant shall forfeit his permit and shall not be eligible to receive any permit for a period of ten (10) years, in accordance with T.C.A. 57-5-105(d).

Sworn to and subscribed before me this _____ day of _____, 20_____.

Signature of Applicant: _____

NOTARY PUBLIC

My Commission Expires: _____

THE APPLICANT HEREBY DESIGNATES THE FOLLOWING PERSON OR PERSONS WHO ARE AUTHORIZED TO RECEIVE THE APPLICANT'S BEER PERMIT, IF GRANTED FROM THE BEER BOARD:

Name: _____ Title: _____

Name: _____ Title: _____

***If not a U.S. Citizen please attach a copy of visa or other legal evidence(s) of the right to be in the United States.**