

BEER PERMIT APPLICATION

CITY OF MILLERSVILLE, TENNESSEE

Application for (check one):

- On Premises Consumption Permit
- Off Premises Consumption Permit
- On and Off Premises Consumption Permit
- Manufacturer's or Distributor's Permit
- Special Event Permit

I hereby make application for a permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provisions of Tennessee Code Annotated § 57-5-101 Et Seq. and base my application upon the answers to the following questions:

1. Full name of applicant (Owner) _____
Person ___ Firm ___ Corporation ___ Other _____
2. Present home address: _____

3. Previous address(s): Included all addresses used within the past 10 years and relevant dates.

4. Date of birth: _____ Home Telephone: _____
Business Telephone: _____
5. List the names and addresses of all persons, firms, corporations, joint stock companies, or other entities having at least a 5% ownership interest in the business (attach additional sheet, if needed).

6. Under what name will this business operate: _____
7. Location of business by street address and phone number:

8. Is this a new business: ___ Yes ___ No If "no", explain: _____

9. Specify the name and address of the person to receive annual privilege tax notices and other communications from the City:

10. Name and address of the property owner, if different than the business owner:

11. Will the permit be used to operate two or more restaurants or other businesses under the same permit within the same building, as permitted by Section 57-5-103(a)(4): Yes No If so, list the name and location of all restaurants or businesses:

12. Give the name, address and date of birth of any manager other than the applicant:

13. Has any person having at least a 5% ownership interest, any of the managers listed in question 12, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime (other than minor traffic violations) within the last ten (10) years? Yes No If so, give particulars of each charge, court, and date convicted:

14. Has the owner or owner's organization had a beer permit revoked, suspended or denied in the State of Tennessee? Yes No If so, specify where, when and why:

15. Give the name, relationship to applicant (if any) and the address of any person or business that currently holds or previously held a beer permit at this business location:

16. What is the name and address of the church (or other place of worship) nearest to your business? (*)

(*) See note after question 17.

17. What is the name and address of the school nearest to your business?

NOTE: The City of Millersville has adopted a rule forbidding the sale, storage or manufacture of beer and like beverages within 300 feet of schools, churches and other places of public gatherings.

18. Please attach a detailed letter describing the business for which this permit will be used.

19. In making this application the applicant hereby submits to a background investigation and must provide fingerprints. The Beer Board will not issue a permit until the results of the investigation are available for review.

This application must be signed in the presence of a notary public and the signature affirms that the information provided is true and complete. The applicant further states;

I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person employed in the distribution or sale of beer in my establishment has been convicted of any violation of the beer or alcoholic beverage laws or any crime involving moral turpitude within the past 10 years. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health safety and morals.

Signature of Applicant/Owner (or Authorized Corporate Officer)

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

Notary Public

My Commission Expires: _____

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

A privilege tax of \$100.00 is imposed on the business of selling, distributing, storing or manufacturing beer in this state, effective January 1, 1994 and each successive January 1st. Such tax shall be paid to the City of Millersville and any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued.

City of Millersville

Release for Background Check

The City of Millersville requires the following information from the applicant for the background investigation.

Full Name: _____
(Last, First, Middle)

Other Names Used: (Aliases) _____

Home Address: (Street, City, State & Zip Code) _____

Please list all states you have lived in: _____

Sex: _____ Race: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____

Place of Birth: _____ Date of Birth: _____ US Citizenship: _____

Armed Forces # _____ Miscellaneous # _____

TN DL # _____ Social Security # _____

I give my permission to the City of Millersville to do a background investigation on me.

Signed : _____

And please provide a copy of your Drivers License.

ARTICLE II. - BEER BOARD^[2]

Footnotes:

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Cross reference— Administration, ch. 2.

Sec. 6-31. - Created; powers.

- (a) A beer board is hereby created for the city and named the Millersville Beer Board.
- (b) The board shall have such power and authority as set forth in T.C.A. § 57-5-108, and shall have the absolute authority to issue permits for the sale of beer and to revoke the permits duly issued for violation of any ordinance of the city or any governmental agency within Sumner County, Tennessee, or for such cause as the board may consider necessary to promote the health, welfare, and well-being of the citizens of the city.

(Ord. No. 81-7, § 1, 11-3-1981)

Sec. 6-32. - Membership, appointment and compensation; removal of members and filling of vacancies.

- (a) The city beer board shall consist of five members who are residents of the city to be appointed by the mayor, one member being a city commissioner. The members of the beer board shall be bona fide residents of the city at the time of the appointment and shall have been residents of the area comprising the city for a period of one year prior to such appointment. Board members shall serve without compensation. The members of the first board appointed shall take office as of the date of their appointment and qualification. After the initial members, they shall serve for terms of three years. Any vacancy on the board for any reason shall be filled in the same manner as the original appointment, and the individual so appointed will serve out the unexpired term.
- (b) The appointment of members to the beer board shall be subject to a vote of approval of at least three members of the board of commissioners. If a proposed appointee does not receive three votes, the mayor shall withdraw the proposed appointee's nomination and submit a new nominee as soon as practicable.
- (c) Members of the beer board may be removed from the board by the mayor or by a vote for removal by at least three members of the board of commissioners.

(Ord. No. 81-7, § 2, 11-3-1981; Ord. No. 94-215, § 1, 2-15-1994; Ord. No. 15-635, § 1, 2-17-2015)

Sec. 6-33. - Organization.

The board shall organize by selecting among its membership a chairperson, vice-chairperson, and a secretary. Each shall serve in such capacity for a term of one year or until their successors have been chosen for like terms.

(Ord. No. 81-7, § 3, 11-3-1981)

Sec. 6-34. - Meetings; quorum; minutes; vote required for permit.

The beer board shall hold regular sessions on such dates and at such times and place as it shall establish in its rules. Special sessions may be called by the chairperson or at the request of any member thereof, provided that notice of such a special session has been mailed to each member at least 24 hours before the time set; provided further that the announcement of special sessions may be made at any meeting at which a lawful quorum is present, which announcement shall constitute sufficient notice. All hearings of the board shall be open to the public. The presence of two members shall constitute a quorum and a concurring vote of a majority of the members of the board shall be necessary to the granting, revoking, or any other function by the board concerning permits. The board shall keep minutes of its proceedings in permanent form and a record shall be kept of the actions of the board with respect to any application for a permit. No transcript of the proceedings before the beer board shall be in any form other than narrative unless the board shall have been requested to provide an exact copy of the testimony, cost of the exact copy to be borne by the person requesting the copy.

(Ord. No. 81-7, § 4, 11-3-1981)

Secs. 6-35—6-70. - Reserved.

ARTICLE III. - BEER

DIVISION 1. - GENERALLY

Sec. 6-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beer means all beers, ales, and other malt liquors having an alcoholic content of not more than five percent by weight.

(Ord. No. 82-24, § 1, 4-16-1982)

Cross reference— Definitions generally, § 1-2.

Sec. 6-72. - Privilege tax.

There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of \$100.00. 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 January 1, 1994, and each successive January 1 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. No. 93-202, § 1(2(A)), 11-16-1993)

Sec. 6-73. - 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 \$1,500.00 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000.00 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven 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. The holder's payment of a civil penalty shall not affect the holder's ability to seek review of the civil penalty pursuant to T.C.A. § 57-5-108(d).

(Ord. No. 93-202, § 1(2(B)), 11-16-1993)

Sec. 6-74. - Interference with public health, safety, and morals.

No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would 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 at places within 300 feet of any school, church, or other such place of public gathering, measured in accordance with state law and court decisions construing the same.

(Ord. No. 82-24, § 5, 4-16-1982; Ord. No. 99-335, § 1, 4-20-1999)

Sec. 6-75. - 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 years.

State Law reference— Similar provisions, T.C.A. § 57-5-301.

- (2) Employ any person under 18 years of age in the sale, storage, distribution, or manufacture of beer. This subsection shall not apply to grocery stores selling beer for off-premises consumption only.
- (3) Make or allow any sale of beer during any period of time that the permit holder's place of business is not open for business to the general public.
- (4) Make or allow any sale of beer to a person under 21 years of age.
- (5) Allow any person under 21 years of age to loiter in or about his place of business.
- (6) Sell or furnish any alcoholic beverage to any person who is known to be insane or mentally defective, or to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs.

- (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 by weight.
- (9) Allow gambling on the premises if alcoholic beverages are sold for consumption on the premises or to allow any form of gambling that is not permitted by the laws of the State of Tennessee.
- (10) Allow dancing on his premises.
 - (11) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
 - (12) Fail to provide and maintain separate sanitary toilet facilities for men and women.

(Ord. No. 82-24, § 7, 4-16-1982; Ord. No. 85-73, § 1, 1-21-1986; Ord. No. 89-130, § 1, 10-17-1989; Ord. No. 03-441, 2-17-2004)

Secs. 6-76—6-100. - Reserved.

DIVISION 2. - PERMIT

Sec. 6-101. - 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 nonrefundable application fee of \$250.00. Such fee shall be in the form of a cashier's check payable to the city. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this article, as amended.

(Ord. No. 82-24, § 2, 4-16-1982; Ord. No. 93-202, § 2, 11-16-1993)

Sec. 6-102. - Restrictive nature.

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.

(Ord. No. 82-24, § 3, 4-16-1982)

Sec. 6-103. - Restrictions on issuance for on-premises consumption.

No permit for the retail sale of beer for on-premises consumption shall be issued by the beer board, unless

the applicant can satisfy the beer board that 60 percent of its retail sales shall be comprised of food sales. At any time during the effective period of any such permit, the beer board may require the holder of an on-premises consumption permit to appear before it and prove to its satisfaction that 60 percent of its retail sales to that date was comprised of food sales. If the permit holder fails to prove compliance with this section, the beer board may suspend or revoke its permit for on-premises consumption.

(Ord. No. 82-24, § 4, 4-16-1982)

Sec. 6-104. - Issuance to persons convicted of certain crimes.

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 years.

(Ord. No. 82-24, § 6, 4-16-1982)

Sec. 6-105. - Revocation.

The beer board shall have the power to revoke any beer permit issued under the provisions of this article 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 until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the board of commissioners.

(Ord. No. 82-24, § 8, 4-16-1982)

Secs. 6-106—6-200. - Reserved.