

ORDINANCE NO. _____

An Ordinance amending Title 8, Chapter 3, to the Crossville Municipal Code pertaining to intoxicating liquors.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE AS FOLLOWS:

SECTION I. That Title 8, Chapter 3, Section 1, Subsection (1) in the Crossville Municipal Code be amended to read as follows:

8-301. Generally. (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) “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.

(e) “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.

(f) “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.

(g) “Licensee” The holder of a license.

(h) “Liquor store” The building or the part of a building where a licensee conducts any of the business authorized by this license.

(i) “Retail food store wine certificate” A certificate required pursuant to T.C.A. § 57-3-806 which states that every applicant who is to be in actual charge of the retail food store wine license has not been convicted of a felony within a ten-year period immediately preceding the date of application, and if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application;

(j) “Retail food store wine license” The retail wine license issued pursuant to this article and T.C.A. §§ 57-3-803 through 57-3-806.

(k) “Retail liquor certificate” A certificate required pursuant to T.C.A. § 57-3-208 which states that:

1. The applicants who are to be in actual charge of a retail liquor license have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and, further, that in the official’s opinion the applicant will not violate any of the provisions of this article;

2. The applicants have complied with any local law, ordinance or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the city.

(l) “Retail liquor license” The retail liquor license issued pursuant to this article and T.C.A. §§ 57-1-101 et seq., 57-2-101 et seq. 57-3-101 et seq., and

57-4-101 et seq., however it does not refer to the retail food liquor license issued pursuant to T.C.A. § 57-3-803.

(m) “Retail sale or sale at retail” A sale to a consumer or to any person for any purpose other than for resale.

(n) “Retailer” Any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.

(o) “State Alcoholic Beverage Commission” The Tennessee Alcoholic Beverage Commission, provision for which is made in the State Statutes, including without limitation the provisions of Tennessee Code Annotated, title 57, chapter 3.

(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) “Vintner” Any person who owns, occupies, carries on, works, conducts or operates any winery, either by himself or by his agent.

(s) “Wholesale sale or sale at wholesale” A sale to any person for purposes of resale.

(t) “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, §§ 57-1-101 et seq., 57-2-101 et seq., 57-3-101 et seq., and 57-4-101 et seq.

(u) “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 (21%) percent 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.

(v) “Winery” Any place or premises wherein wines are manufactured from any fruit, or brandies distilled as the byproduct of wine, or other fruit or cordials compounded, and also includes a winery for the manufacture of wine.

SECTION II. That the title of Title 8, Chapter 3, Section 3 of the Crossville Municipal Code be amended to read as follows:

8-303. Certificate of compliance for retail liquor licenses.

SECTION III. That Title 8, Chapter 3, Section 10 of the Crossville Municipal Code be added to read as follows:

8-310. Certificate of compliance for retail food store wine licenses

(1) Before any person or business entity shall receive a retail food store wine license, the individual or business entity shall make application for and receive a certificate as required by T.C.A. § 57-3-806. The application for the certificate shall be in writing and must be filed with the City Clerk giving the following information:

a. Name, age and address of the applicant (including the names of any person who will have an interest in the business of the applicant or in the profits thereof);

b. The location of the proposed store for the sale of wine;

c. The name and address of the owner;

d. If the applicant is a partnership or corporation, the name, age and address of each partner or stockholder; and

e. A statement that no person prohibited from having any direct or indirect interest in the proposed store has such an interest.

(2) The applicant for a certificate for a retail food store wine license shall agree to comply with all federal and state laws and ordinances of the city and the rules and regulations of the alcoholic beverage commission.

(3) The application must be filed not later than fourteen (14) days prior to the council meeting at which it is to be considered.

(4) Persons ineligible for retail food store wine certificate:

a. An applicant or applicants who, within the ten (10) years immediately preceding the date of the filing of the application have bene convicted of a felony; and,

b. A corporation, if within ten (10) years preceding the filing of the application, any of the executive officers or those in control of the corporation have been convicted of a felony.

SECTION IV. That Title 8, Chapter 3, Section 11 of the Crossville Municipal Code be added to read as follows:

8-311. Severability. If any provision of this ordinance or if any policy, or order thereunder of the application of such provision to any person or circumstances shall be held invalid, the remainder of this ordinance, and the application of such provision of this ordinance or of such policy, or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

SECTION V. This ordinance shall take effect upon and after its final passage, the public welfare requiring it.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Passed 1st Reading: _____

Passed 2nd Reading: _____

Passed 3rd Reading: _____