

ORDINANCE NO. ____

An Ordinance to amend Title 8, Chapter 3, in 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 3 be amended in Crossville Municipal Code as follows:

8-303 Certificate of compliance. (1) Certificate of good moral character.

When application is made for 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 regularly 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. Each applicant for a certificate of compliance shall file with the City Clerk a non-refundable application fee of \$500.00, 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 statement that each applicant has been a resident of the Cumberland County, Tennessee for at least two (2) years immediately prior to the time the application is filed. If the applicant is a partnership or a corporation, each of the partners or stockholders must have been a bona fide resident of Cumberland County, Tennessee not less than two (2) years at the time the application is filed;

(f) 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;

(g) 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.

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

The application form shall be accompanied by a questionnaire form completed by each person having interest in the business and one (1) copy of a scale plan drawn to a scale of not

less than one (1) inch equals fifty (50) feet, giving the following information:

- i. The shape, size and location of the lot upon which the liquor store is to be operated under the 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 five hundred (500) feet 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. 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.

(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 section 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 has not been a resident of the Cumberland County, Tennessee for the two (2) consecutive years immediately preceding the date of any such transfer; nor shall any of said stock be so transferred 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.

SECTION II. That Title 8, Chapter 3, Section 4 be amended in Crossville Municipal Code as follows:

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

(1) All retail sales shall be confined to the premises of the licensee. No curb 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. [T.C.A. §57-3-404(f)]

(3) 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.

(4) 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.

SECTION III. That Title 8, Chapter 3, Section 8 be amended in Crossville Municipal Code as follows:

8-308 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 Crossville is located other than one (1) sign, advertisement or display which 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. Any illuminated signs in the front windows must be turned off at closing.

SECTION IV. 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: _____