



City of Munford, Tennessee

1397 Munford Avenue

Munford, TN 38058

City Hall (901) 837-0171

www.munford.com

Dwayne Cole, Mayor

\$250 APPLICATION FEE IS NON REFUNDABLE

APPLICANT IS SEEKING A PERMIT WHICH WOULD ALLOW THE SALE OF BEER FOR:

☐ ON-PREMISES CONSUMPTION ONLY

☐ OFF-PREMISES CONSUMPTION ONLY

☐ RETAIL PACKAGE STORE

☐ MANUFACTURER'S OR DISTRIBUTOR'S PERMIT

☐ For Special Events, list date(s) of event: _____

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 TENN. CODE ANN. 57-5-101 et. seq. AND THE AMENDMENTS THERETO AND BASE MY APPLICATION UPON THE ANSWERS TO THE FOLLOWING QUESTIONS:

1. APPLICANT / OWNERSHIP (example - Corporation, LLC, sole proprietorship or partnership)

1a. IF CORPORATION, LLC, LP, LLP, LIST PLACE & DATE INCORPORATED / REGISTERED WITH SEC. OF STATE

2. BUSINESS OR EVENT NAME (this is the name that will appear on the Beer Permit)

3. BUSINESS ADDRESS OR ADDRESS OF EVENT FOR WHICH A PERMIT IS SOUGHT

4. BUSINESS PHONE NUMBER(S) :

5. DESCRIBE THE TYPE OF BUSINESS YOU WILL OPERATE (EX: Bar, Restaurant, Convenience Market, Retail Package Store, Special Event)

6. WILL YOU SERVE FOOD? (M.C.L. 7.08.100) ☐ YES ☐ NO

7. PROPERTY OWNER (OR LANDLORD / LESSOR) NAME & ADDRESS

8. PROPERTY OWNER (OR LANDLORD / LESSOR) E-MAIL ADDRESS & PHONE #

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9. LIST ALL PERSONS, FIRMS, CORPORATIONS, JOINT-STOCK COMPANIES, SYNDICATES OR ASSOCIATIONS HAVING AN INTEREST IN THE APPLICANT. COMPLETE IN DETAIL – ADD A SEPARATE SHEET, IF NECESSARY. ACCOUNT FOR 100% OF OWNERSHIP. (If non-profit / charity, list directors or officers)

NAME (FIRST, MIDDLE, LAST)	TITLE & PERCENTAGE OF OWNERSHIP	HOME ADDRESS & TELEPHONE # (include city, state, zip code)	DATE & PLACE OF BIRTH	SE X	SOCIAL SECURITY #	US CITIZEN (YES OR NO)

10. GIVE NAME AND BIRTH DATE OF SPOUSE OF ANYONE HAVING OWNERSHIP IN THE BUSINESS, CORPORATION OR PARTNERSHIP

11. DESIGNATE THE PERSON OR PERSONS WHO WILL BE IN CHARGE OF THE OPERATIONS ON PREMISES

NAME (FIRST, MIDDLE, LAST)	TITLE & PERCENTAGE OF OWNERSHIP	HOME ADDRESS & TELEPHONE # (include city, state, zip code)	DATE & PLACE OF BIRTH	SE X	SOCIAL SECURITY #	US CITIZEN (YES OR NO)

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12. CONVICTION RECORD OF OWNERS AND EMPLOYEES

HAS ANY PERSON, FIRM, JOINT-STOCK COMPANY, SYNDICATE OR ASSOCIATION HAVING AT LEAST A FIVE PERCENT (5%) OWNERSHIP INTEREST IN THE APPLICANT OR ANY PERSON TO BE EMPLOYED IN THE DISTRIBUTION OR SALE OF BEER OR LIQUOR BEEN CONVICTED OF, OR RELEASED FROM INCARCERATION FOR 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 PREMEDITATED MURDER, ALL SEX RELATED CRIMES, THE ILLEGAL SALE OF SCHEDULE I AND II CONTROLLED SUBSTANCES, AND CRIMES OF FRAUD OR EMBEZZLEMENT.)

☐ YES ☐ NO

NAME	CHARGES	DATE OF CONVICTION	DISPOSITION	LIST LOCATION, COURT, COUNTY AND STATE

13. IS THE BUILDING TO BE LICENSED LOCATED WITHIN 100 FEET OF ANY CHURCH, SCHOOL, PARK, PLAYGROUND, DAY CARE CENTER OR NURSERY SCHOOL OR THEIR PLAYGROUNDS, OR ANY ONE OR TWO FAMILY DWELLINGS? (If yes, explain.)

☐ YES ☐ NO

14. HAS THE APPLICANT EVER HAD A BEER OR LIQUOR PERMIT REVOKED, SUSPENDED OR DENIED IN THE STATE OF TENNESSEE? If yes, explain.

☐ YES ☐ NO

15. ARE YOU FAMILIAR WITH THE LAWS OF THE STATE OF TENNESSEE GOVERNING THE SALE AND DISTRIBUTION OF BEER AND LIQUOR?

☐ YES ☐ NO

16. HAVE YOU RECEIVED A COPY OF THE GUIDE TO ALCOHOL AND BEER LAWS IN TENNESSEE AND A COPY OF THE ALCOHOLIC BEVERAGES ORDINANCE FOR THE CITY OF MUNFORD MUNICIPAL CODE?

☐ YES ☐ NO

17. GIVE NAME, ADDRESS, PHONE NUMBER AND E-MAIL ADDRESS OF A REPRESENTATIVE TO RECEIVE THE ANNUAL PRIVILEGE TAX NOTICE AND ANY OTHER COMMUNICATIONS FROM THE CITY OF MUNFORD BEER/ALCOHOL PERMIT BOARD.



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Applicant hereby solemnly swears that each and every statement in the forgoing application is true and correct; that the applicant will notify Beer/Alcohol Board staff promptly if there is a change in circumstances that affects the responses provided in this application; that (1) No beer/alcohol 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 21 years of age; (3) No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant or any person to be employed in the distribution or sale of beer/alcohol has been convicted of, or released from incarceration for, 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; and (4) No sale shall be made for on-premises consumption unless the application and the permit so state.

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 TCA 57-5-105(d).

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

Signature of Applicant _____

Notary Public _____

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

NAME TITLE

a. _____

b. _____

****DO NOT WRITE BELOW THIS LINE / BEER BOARD ONLY****

BEER BOARD HEARING: ____/____/____ BEER BOARD ACTION:

LICENSE# _____ ISSUED ____/____/____

GRANTED ____/____/____ DENIED ____/____/____

THE UNDERSIGNED ACKNOWLEDGES RECEIPT BEER BOARD MEETING DATE:

_____(Signature) ____/____/____

Beer Board Chairman

_____(Signature) ____/____/____

Recorder/Treasurer



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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 10 days of approval.

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 1. 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.

Signature of Applicant _____

Date _____

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.
3. BROWN BAGGING.
4. RETAIL PACKAGE STORES.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definition of alcoholic beverages.
- 8-102. Consumption of alcoholic beverages on-premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the city recorder.
- 8-105. Inspection fee.
- 8-106. Concurrent sales of liquor by the drink and beer.
- 8-107. Advertisement of alcoholic beverages.
- 8-108. Violations and penalty.

8-101. Definition of alcoholic beverages. The term alcoholic beverage shall be the same definition appearing in Tennessee Code Annotated, § 57-3-101(1)(A). (1984 Code, § 2-101, as repealed and replaced by Ord. #2005-07-02, July 2005, and replaced by Ord. #2017-01, Aug. 2017)

8-102. Consumption of alcoholic beverages on-premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by the said code when such sales are conducted within any commercially zoned area in the corporate limits of Munford, Tennessee, except neighbor commercial. It is the intent of the of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be

¹Municipal code reference

Drinking beer, etc., on streets, etc.: § 11-101.

Minors in beer places: § 11-102.

State law reference

Tennessee Code Annotated, title 57.

effective in Munford, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #2005-07-02, July 2005)

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Munford General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Munford on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #2005-07-02, July 2005)

8-104. Annual privilege tax to be paid to the city recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Munford shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payments shall be remitted on January 1st. 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. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #2005-07-02, July 2005)

8-105. Inspection fee. The City of Munford hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages and upon retail food store wine licensees located within the corporate limits of the city. (as added by Ord. #2016-02-01, March 2016)

8-106. Concurrent sales of liquor by the drink and beer. Any person, firm, corporation, joint stock company, syndicate, or association which has received a license to sell alcoholic beverages in the City of Munford, pursuant to Tennessee Code Annotated, title 57, chapter 4, shall, notwithstanding § 8-216 of the ordinances of the City of Munford, qualify to receive a beer permit from the city upon compliance of all Munford beer permit requirements. (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-107. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code

Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-108. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and actions.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Classes of permits.
- 8-210. Sale of beer permitted only in specified zones.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-213. Prohibited conduct or activities by beer permit holders.
- 8-214. Suspension and revocation of beer permits.
- 8-215. Civil penalty in lieu of suspension.
- 8-216. Loss of clerk's certification for sale to minor.
- 8-217. Public notice.
- 8-218. Violations.
- 8-219. Standards of conduct on-premises of licensees.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the board. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings 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 reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

¹State 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).

8-203. 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. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-204. 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. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-205. 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 municipality in accordance with the provisions of this chapter. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-206. "Beer" defined. The term "beer" shall be the same definition appearing in Tennessee Code Annotated, § 57-5-101 subsection (b). (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010, and Ord. #2017-07-02, Aug. 2017)

8-207. 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 shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Munford. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$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 1st to the City of Munford, 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. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-209. Classes of permits. There shall be three (3) classes of permits issued by the beer board, as follows:

(1) Class A. A manufacturer's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacturer, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer shall be defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacturing of beer.

(2) Class B. An "off-site" permit to applicants whose place of business is a grocery store or convenience type market in the commercial areas of the City of Munford. Grocery store shall be defined as any commercial establishment which derives seventy-five percent (75%) of its gross sales from the sale of food or food products that are to be prepared and consumed off the premises. Convenience type market shall be defined as any commercial establishment which sells gasoline and/or diesel fuel and bread, milk and canned foods used for human consumption.

(3) Class C. An "on-site" permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant shall be defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than forty percent (40%) of its gross sales is from the sale of beer and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least forty-eight (48) people at tables, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. If any such establishment for which two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding forty percent (40%) of its gross sales, the beer board shall conduct a hearing to determine if the on-site permit should be revoked or suspended for violation of this chapter. The City of Munford will require gross sales reports periodically to insure compliance with this chapter.

(4) A single permit may be issued for on premise and off premise consumption if all other requirements are met. (Ord. #98-01, March 1998, as replaced by Ord. #2002-09-03, Sept. 2002, and Ord. #2008-04-01, April 2010)

8-210. Sale of beer permitted only in specified zones. It shall hereafter be lawful to sell, store for resale, distribute or manufacture beer in the City of Munford, Tennessee, provided that permits authorized by this chapter

shall be issued for locations that are now zoned or may be in the future zoned as follows:

- (1) Class A Permits: Zoning Districts/Commercial and Industrial
- (2) Class B Permits: Zoning Districts/Commercial
- (3) Class C Permits: Zoning Districts/Commercial (Ord. #98-01, March 1998, as amended by Ord. #98-01, April 1998, and replaced by Ord. #2002-09-03, Sept. 2002, and Ord. #2008-04-01, April 2010)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, religious institutions, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, religious institution or other place of public gathering if a valid permit has been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period.

- (1) Distance requirements for Class A permit. None.
- (2) Distance requirement for Class B permit. No permit will be issued to a grocery store or convenience type market if the store or market property line adjoins any hospital, school, religious institution or public gathering place. The only exception shall be the establishments that have a valid permit to sell beer at the time of annexation into the City of Munford.

(3) Distance requirements for Class C permit. No permit for on-site consumption will be issued authorizing the sale or storage of beer within three hundred feet (300') of any hospital, school, religious institution or other public gathering place. The distances shall be measured in a straight line from the nearest corner of the hospital, school, religious institution or other public gathering place and the nearest corner of the structure where the beer is to be sold.

- (4) (a) Notwithstanding the provisions of § 8-211(3), establishments that have current valid permits from the State of Tennessee to sell liquor by the drink on-premises may apply for and be granted permits to sell beer for on-premises consumption, provided that they meet all other requirements for the beer permit.

(b) If an establishment secures an on-premises beer permit issued pursuant to § 8-211(4)(a) above, that permit shall automatically terminate effective at the time the establishment ceases to maintain a current valid state license to sell liquor by the drink.

- (5) (a) Notwithstanding the provisions of § 8-211(2) and (3), establishments that have current valid permits from the State of Tennessee to sell wine in retail food stores may apply for and be granted

permits to sell beer for off-premises consumption, provided that they meet all other requirements for the beer permit.

(b) If an establishment secures an off-premises beer permit issued pursuant to § 8-211(5)(a) above, that permit shall automatically terminate effective at the time the establishment ceases to maintain a current valid state license to sell wine in retail food stores. (Ord. #98-01, March 1998, and Ord. #2002-09-03, Sept. 2002, as replaced by Ord. #2008-04-01, April 2010, and amended by Ord. #2016-02-01, March 2016)

8-212. 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 persons, 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 that past ten (10) years. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-213. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any 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 the sale of beer within the City of Munford, Tennessee between 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 12:00 noon on Sundays. All containers, glasses or other vessels of any type which have been used for serving and consumption of beer, shall be removed by licensee from the area or areas where the beer had been consumed and placed in areas not for access by patrons of the establishment no later than 3:15 A.M.

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

(5) Allow any person under twenty-one (21) 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 feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk persons to loiter around his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage as defined by Tennessee Code Annotated, § 57-3-101(1)(A)

without having a valid liquor by the drink permit issued by the Tennessee Alcoholic Beverage Commission.

(9) Allow any loud, unusual, or obnoxious noises to emanate from his premises or from any adjacent building or property owned, leased, controlled or in the possession of the permit holder.

(10) When a minor is seated at a table, there shall be no beer served at that table unless such minor is accompanied by one (1) of his parents or a legal guardian, and then only if served in conjunction with food. (Ord. #98-01, March 1998, as amended by Ord. #2002-09-03, Sept. 2002, replaced by Ord. #2008-04-01, April 2010, and amended by Ord. #2017-07-01, Aug. 2017)

8-214. Suspension and revocation of beer permits. The beer board shall have the power to suspend, revoke, or place on probation with or without a civil penalty 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 or state law or whenever it shall satisfactorily appear that the premises of any person, firm, or corporation holding a permit under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety, and morals. Except as hereinafter provided, 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 any member of the beer board or the chief of police. The beer permit holder must appear at the designated beer board hearing. Failure to appear may result in revocation of permit. The foregoing shall be in addition to any punishment imposed upon such holder by a court of law.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. #98-01, March 1998, as amended by Ord. #98-01, April 1998, and Ord. #2002-09-03, Sept. 2002, replaced by Ord. #2008-04-01, April 2010, and amended by Ord. #2010-04-01, April 2010)

8-215. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty, not to exceed the maximum allowed by the laws of the State of Tennessee, for each offense of making or permitting to be made any sales to minors or, a civil penalty, not to exceed the maximum allowed by the laws of the State of Tennessee, for any other offense. The beer board may impose on a responsible vendor a civil penalty, not to exceed the maximum allowed by the laws of the State of Tennessee, for each offense of making or permitting to be made any sales to minors or 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. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty the city may impose. (Ord. #98-01, March 1998, as amended by Ord. #98-01 Amendment, April 1998, and replaced by Ord. #2008-04-01, April 2010)

8-216. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period for one (1) year from the date of the beer board's determination. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-217. Public notice. Before the beer board shall issue a permit, it shall cause to be published in a newspaper of general circulation a notice in which the name of the applicant and the address of the location for such permit and the date and the time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a published hearing for the purpose of hearing the statement of any person or his attorney on any application for license or permit. (Ord. #98-01, March 1998, as replaced by Ord. #2008-04-01, April 2010)

8-218. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty clause of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #2002-09-03, Sept. 2002, and replaced by Ord. #2008-04-01, April 2010)

8-219. Standards of conduct on-premises of licenses. (1) In addition to the other duties imposed by the beer board or by the city, it shall be the duty of said board to enforce the provisions of this section and revoke or suspend the beer permit of any person, business, firm, corporation, syndicate or associate, upon notice and hearing, for violation of the provisions of this section.

(2) The following acts or conduct have been declared contrary to public policy by the General Assembly of the State of Tennessee when such activities take place upon premises licensed by the alcoholic beverage commission; and the same are hereby declared to be against the public policy of the city, and therefore, no beer permit shall be held at any premises where such acts or conduct are permitted:

(a) To permit any employee or person to wear such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(b) To employ, use or allow the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (a).

(c) To encourage or permit any person on the premises of a permittee to touch, caress or fondle the breast, buttocks, anus or genitals of any other person.

(d) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(3) Acts or conduct on-premises licensed by the alcoholic beverage commission that have been deemed contrary to public policy by the General Assembly of the State of Tennessee are hereby declared against the public policy of the city, and therefore, no beer permit shall be held at any premises where such conduct or acts are permitted. Live entertainment is permitted on premises of a permittee except that:

(a) No permittee shall permit any person to perform acts of or acts which simulate:

(i) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(ii) The touching, caressing, or fondling of the breast, buttocks, anus or genitals.

(iii) The displaying of the pubic hair, anus, vulva or genitals.

(b) Subject to the provisions of subdivision (a) hereof, any entertainer who is employed in whole or in part of the permittee to dance at such permittee's premises shall perform only upon a stage at least

eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest patron.

(c) No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(d) No permittee shall permit any person to remain in or upon the premises who exposes to public view any portion of his or her genitals or anus.

(4) The following acts or conduct have been declared contrary to public policy by the General Assembly of the State of Tennessee when such activities take place upon premises licensed by the alcoholic beverage commission, and the same are hereby declared to be against the public policy of the city and therefore no beer permit shall be held at any premises where such conduct or acts are permitted: The showing of film, still pictures, electronic reproduction, or other visual reproduction depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above. (as added by Ord. #2008-04-01, April 2010)

CHAPTER 3

BROWN BAGGING

SECTION

8-301. Brown bagging prohibited.

8-302. Alcoholic beverages defined.

8-301. Brown bagging prohibited. No owner, operator or employee of any restaurant, club, or any other business of every kind and description, shall permit or allow any person to open, or to have open, or to consume inside or on the premises a bottle, can, flask or container of any kind or description, of alcoholic beverages without first obtaining a permit, from the State of Tennessee Alcoholic Beverage Commission, allowing liquor by the drink. (as added by Ord. #2002-09-05, Sept. 2002, and replaced by Ord. #2008-04-01, April 2010)

8-302. Alcoholic beverages defined. The term alcoholic beverage shall be the same definition appearing in Tennessee Code Annotated, § 57-3-101(1)(A). (as added by Ord. #2002-09-05, Sept. 2002, and replaced by Ord. #2008-04-01, April 2010, and Ord. #2017-07-01, Aug. 2017)

CHAPTER 4

RETAIL PACKAGE STORES

SECTION

- 8-401. Alcoholic beverages subject to regulation.
- 8-402. Application for certificate/permit.
- 8-403. Applicant to agree to comply with laws.
- 8-404. Applicant to appear before board of mayor and aldermen;
duty to give information.
- 8-405. Action on application.
- 8-406. Applicants for certificate who have criminal record.
- 8-407. Number of retail licenses to be held by retailer.
- 8-408. Where establishments may be located.
- 8-409. Retail stores to be on ground floor; entrances and specific rules.
- 8-410. Limitation on number of retailers.
- 8-411. Sales for consumption on-premises.
- 8-412. Radios, amusement devices and seating facilities prohibited in
retail establishments.
- 8-413. Inspection fee.
- 8-414. Privilege tax on retail sale of alcohol for consumption off premises.
- 8-415. Annual privilege tax to be paid to the recorder.
- 8-416. Advertisement of alcoholic beverages.
- 8-417. Violations and penalty.

8-401. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting or distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city/town except as provided by Tennessee Code Annotated, title 57. (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-402. Application for certificate/permit. Before any certificate, as required by Tennessee Code Annotated, § 57-3-208 or a renewal as required by § 57-3-213 shall be signed by the mayor, or by any aldermen, an application to and obtaining a permit from the City of Munford is required. This application shall be made on such form as the city shall prescribe and/or furnish, 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 Munford. If the applicant is a partnership, the name, age, and address of each partner must be listed on the application. If the applicant is a corporation, the name, age, and address of the executive officers, or those who will be in control of the retail package store must be listed on the application.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall

be verified by the oath of each partner, or by the president of the corporation. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-403. Applicant to agree to comply with laws. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city/town and rules and regulations of the alcoholic beverage commission of the state for sale of alcoholic beverages. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-404. Applicant to appear before board of mayor and aldermen; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the board of mayor and aldermen for such reasonable examination as may be desired by the board. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-405. Action on application. Every application for a certificate of good moral character will be submitted to a full criminal background check and findings will be submitted to the board of mayor and aldermen within thirty (30) days of the date each application was filed. The board of mayor and aldermen may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the board of mayor and aldermen. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-406. Applicants for certificate who have criminal record. No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-407. Number of retail licenses to be held by retailer. No retail licensee shall, directly or indirectly, hold more than one (1) retail licenses at the same time. In no event shall a retail licensee, directly or indirectly, hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-408. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage

or distribution of alcoholic beverages in the City of Munford except on property zoned as PB (Planned Business). (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-409. Retail stores to be on ground floor; entrances and other specific rules. (1) No retail store shall be located anywhere on premises in the city/town except on the ground floor thereof. Each such store shall have only one (1) main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public.

(2) Said building shall be of a permanent type of construction and no store shall be located in a mobile home or other moveable type building.

(3) Shall be a minimum size of one thousand (1,000) square feet of retail/display space.

(4) To the fullest extent consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street to the interior of the liquor store.

(5) The store shall have night lighting surrounding the outside of the premises of at least two (2) foot candles. (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-410. Limitation on number of retailers. No more than one (1) retail liquor license shall be issued under this chapter for every five thousand (5,000) persons within the city, according to the last federal or special census. (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-411. Sales for consumption on-premises. No alcoholic beverages shall be sold for consumption on the premises of a retail seller. (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-412. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-413. Inspection fee. The City of Munford hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city/town. (as added by Ord. #2019-03-01, April 2019 *Ch5_06-24-24*)

8-414. Privilege tax on retail sale of alcohol for consumption off premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301) for the City of Munford to be paid annually as provided in the chapter, upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Munford for alcohol sold for off premise consumption. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-415. Annual privilege tax to be paid to the recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcohol for consumption off premises in the City of Munford shall remit annually to the recorder the appropriate tax described in § 8-414. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment or the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-416. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

8-417. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (as added by Ord. #2019-03-01, April 2019 ***Ch5_06-24-24***)

RESPONSIBLE VENDOR ACT

Responsible Vendor program participation is required by the City of Munford.

The program requires participating vendors to comply with employee training requirements, universal customer identification, and mandatory signage. In exchange for complying with the program, certified vendors are not subject to permit revocation or suspension upon an initial violation. Instead, they are subject to only a civil penalty not exceeding \$1000 per offense of sale to a minor or other offense. Permanent revocation will not be allowable absent two violations within a 12-month period.

T.C.A § 57-5-108

Non-participating vendors face higher civil penalties. A non-compliant vendor guilty of sale to a minor is subject to suspension or revocation or a civil penalty not to exceed \$2,500. Municipal beer boards also may revoke the license of a nonparticipating vendor for a first offense. These discrepancies in punishment provide a major incentive for retail vendors to become certified.

T.C.A § 57-5-108

Under the Responsible Vendor Act, participating vendors agree to submit all new clerks to a training program within 61 days of hire. The training, which must be approved by the Alcoholic Beverage Commission (ABC), covers the sale of beer for off-premises consumption, methods of recognizing and dealing with minors who attempt to buy beer, and procedures for refusing to sell beer to minors. Participating vendors pay an initial \$35 fee per clerk and an annual fee ranging from \$25 - \$250 based upon the number of certified clerks who participate. The vendor provides ABC with the names and identifying information for each new clerk, allowing ABC to keep a list of all certified clerks in Tennessee. If a certified clerk is determined to have made an illegal sale to a minor, the certification of that clerk becomes invalid, and the clerk may not apply for recertification for one year.



TABC CERTIFIED RESPONSIBLE VENDOR TRAINING PROGRAMS

AIM LLC

Phone: 615-216-7500, Email: CPHILLIPS@ABCPERMITS.COM

Website: www.abcpermits.com/

At Home Prep - A Division of Stautzenberger College

Phone: 800-952-0910, Email: info@athomeprep.com

Website: www.athomeprep.com

Learn2Serve.com

Phone: 877-881-2235, Email: accreditation@360training.com

Website: www.360training.com

Ready Training Online

Phone: 717-366-4500, Email: lwentling@readytraining.com

Website: <https://readytrainingonline.com/>

Responsible Alcohol Judgment Awareness (RAJA)

Phone: 865-258-4912, Email: kashifarmer@me.com

Responsible Training – SafeWay Certifications

Phone: 512-996-0909, Email: info@SafeWayClasses.com

Website: www.responsibletraining.com

Responsible Wine Vendor Program

Phone: 615-499-6540

Website: www.responsiblewinevendortraining.com

Rserving

Phone: 605-427-2000, Email: hannah@Rserving.com

Website: www.Rserving.com/TN

StateFoodSafety

Phone: 801-494-1416, Email: support@statefoodsafety.com

Website: www.statefoodsafety.com

Tennessee ID

Phone: 731-446-6812, Email: danny@tennesseeid.com

Website: www.tennesseeid.com

Tennessee Wine and Spirits Retailers Association

Phone: 615-425-5310, Email: jmcdaniel@twrsra.com

Website: www.twrsra.com

TIPS

Phone: 800-438-8477, Email: blossen@gettips.com

Website: www.gettips.com

TopShelf Responsible Beverage Service

Phone: 865-521-8085, Email: office@topshelfedu.com

Website: www.TopShelfEDU.com

Tennessee Alcoholic Beverage Commission • 500 James Robertson Parkway

3rd Floor, Davy Crockett Tower • Nashville, TN 37243

Tel: 615-741-1602 • Fax: 615-741-0847 • tn.gov/abc

Nationwide Background Check – Beer Permit
Application Instructions

To begin the application process enter the below website:

www.identogo.com

In the map area or on the states listed below the map – click Tennessee.

Online Scheduling

Choose “English” or “Spanish” – language you wish to use during the application process. GO

Choose item “Other” from list of options under Agency Name tab. GO

Choose “Beer Permit” from list of options under Applicant Type tab. GO

Enter the ORI Number for Munford Beer Permits TN920812Z

It should show “City of Munford” – choose “YES” if this shows up - if not you have entered the ORI number incorrectly and you should choose “NO” to go back and re-enter the correct number.

Enter the five digit zip code you would prefer for a testing location nearest you.

Select location, day and appointment time from the options given.

Complete the application information requested. Then choose “Send Information”

Follow the remaining instructions.

Once you have gone to your appointment and been fingerprinted, the agency will notify the City when the check is complete. Usually within one week.

Instructions for Fingerprinting Tennessee Applicant Processing Services

Follow the simple steps outlined below to complete the fingerprinting process:

1. Using your computer web browser, go to www.identogo.com and choose Tennessee.
2. If you do not have access to the internet, you may call us toll-free at (855) 226-2937 to schedule an appointment. If you call, you will be asked the following questions instead of completing these steps yourself.
3. Click Online Scheduling and choose the language you wish to use for scheduling (English or Spanish)
4. Enter your first and last name and click "go"
5. Choose the proper employing or licensing agency as your Agency Name and click "go".
6. Choose the proper Applicant Type and click "go".
7. Enter your ORI, OCA, or other identifying numbers required by your employing or licensing agency clicking "go" after each.
8. Select the location where you want to be fingerprinted. You may choose a region of the state, click on the map, or enter a zip code to get a list of locations in a specific area. Press "go"
9. Click on the words "Click to Schedule" across from the location you want, under the day you wish to be fingerprinted. If you want a date further in the future, click the "Next Week>>" link to display more dates. Once you select the location/date combination, select the time for your appointment and click "go".
10. Complete the demographic information page. Required fields are indicated by a red asterisk (*). When complete, click "Send Information"
11. Confirm the information. Follow the on screen directions to make any changes necessary. Once you see the data is correct, click "Send Information".
12. If you are required to pay for your own fingerprinting, then you will be presented with payment options. Complete your payment process and click "Send Payment Information".
13. Print your confirmation page.
14. Bring approved identification documents with you to the appointment. These approved document options are identified on your confirmation of your appointment.
15. Arrive at the facility at your appointed date and time.
16. The Enrollment Officer at the site will check your ID, verify your information, verify or collect payment, capture your fingerprints, and submit your data. This normally takes less than five minutes.
17. You will receive a signed receipt at the end of your fingerprinting session which can be provided to your agency for proof of fingerprinting, if needed.
18. All results will be processed and delivered to your employing or licensing agency for processing by the TBI. MorphoTrust USA is never in possession of criminal record data results.