

## ORDINANCE NO. 06-147

### AN ORDINANCE REGULATING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISE AND AMENDING TITLE 8 OF THE MUNICIPAL CODE OF THE TOWN OF UNICOI, TENNESSEE

WHEREAS, The a majority of the voting citizens of the Town of Unicoi, Tennessee did pass by referendum the sale of Intoxicating Liquors for on premise consumption in the last general election pursuant to Tennessee Code Annotated Title 57; and

WHEREAS, The Board of Mayor and Aldermen desire to adopt certain portions of the Tennessee Code Annotated related to the sale of alcoholic beverages as governed there under;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF UNICOI, TENNESSEE, AS FOLLOWS:

SECTION 1. That Title 8 of the Unicoi Municipal Code is amended to add the following:

#### CHAPTER 2

#### INTOXICATING LIQUORS

##### SECTION

- 8-201. Definition of "alcoholic beverages".
- 8-202. Consumption of alcoholic beverages on premise.
- 8-203. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-204. Annual privilege tax to be paid to the Town Recorder.
- 8-205. Gross sales tax.
- 8-206. Sale otherwise prohibited.

**8-201. Definition of "alcoholic beverages".** As used in this chapter, unless the context indicates otherwise: "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less.

**8-202. 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 the corporate limits of Unicoi, Tennessee. It is the intent of the Board of Mayor and Aldermen that the said Tennessee Code Annotated, Title 57, Chapter 4, inclusive, shall be effective in Unicoi, Tennessee, the same as if said Code sections were copied herein verbatim.

**8-203. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, Section 57-4-301,

there is hereby levied a privilege tax (in the same amounts levied by T. C. A. Title 57, Chapter 4, Section 301, for the Town of Unicoi 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 Town of Unicoi alcoholic beverages for consumption on the premises where sold.

**8-204. Annual privilege tax to be paid to the Town 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 Town of Unicoi shall remit annually to the Town Recorder the appropriate tax described in Section 8-203. Such payment 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 of the appropriate tax when due shall be subject to the penalty provided by law.

**8-205. Gross sales tax.** It shall be the responsibility of the Town Recorder to ensure that the Town receives its share of the fifteen (15) percent tax levied on the gross sales of alcoholic beverages sold at retail for consumption on premises and collected by the Commissioner of the Alcoholic Beverage Commission under Tennessee Code Annotated, Section 57-4-301 (c), and distributed to the state and its political subdivisions under Tennessee Code Annotated, Section 57-4-306.

**8-206. Sale otherwise prohibited.** Except as authorized by applicable laws, the provisions of this title and/or other ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the Town of Unicoi. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew", "moonshine", and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight.

SECTION 2. That this ordinance shall become effective immediately after its passage on second and final reading.

Voting by the Board, as follows, on December 18, 2006:

First Reading:

	<u>AYE</u>	<u>NAY</u>
Dwight Bennett	✓	—
Doug Hopson	✓	—
Ken Kisiel	✓	—
Mark Ramsey	✓	—
Mayor Johnny Lynch	✓	—

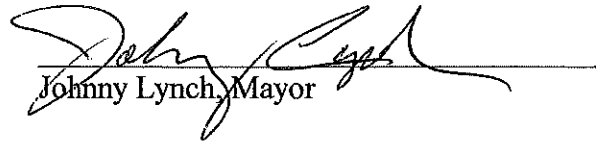
Voting by the Board, as follows, on January 15, 2006:

Second and Final Reading:

	<u>AYE</u>	<u>NAY</u>
Dwight Bennett	✓	—
Doug Hopson	✓	—

Ken Kisiel  
Mark Ramsey  
Mayor Johnny Lynch

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Johnny Lynch, Mayor

Attest:

Connie R. Mullens  
Town Recorder