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ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF LOUISVILLE TO ESTABLISH A BEER BOARD AND REGULATIONS ON THE SALE AND USE THEREOF.

ORDINANCE NO.: 1991-7

APPROVED AND TO FORM AND CORRECTNESS: _____

APPROVED ON FIRST READING: 3/26/91

APPROVED ON SECOND READING: 4/9/91

APPROVED AS AN EMERGENCY MEASURE: _____

MINUTE BOOK _____ PAGE _____

WHEREAS, the Board of Mayor and Aldermen of the Town of Louisville, Tennessee, have deemed it to be in the interest of the public health, welfare and safety to enact an ordinance establishing a beer board and establishing requirements for the sale, storage and transportation of beer within the town limits, pursuant to Tennessee Code Annotated;

BE IT HEREBY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF LOUISVILLE, TENNESSEE, AS FOLLOWS:

Section 1: Beer board established. There is hereby established a beer board to be appointed by the Mayor. The Mayor shall be the chairman of the beer board. The Board shall consist

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of three (3) persons, including the Mayor or his designee.

Section 2: Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall 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.

Section 3: 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.

Section 4: 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.

Section 5: 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,

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and manufacturing of beer within this city in accordance with the provisions of this Ordinance.

Section 6: "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five per cent (5%) by weight.

Section 7: 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 One Hundred Dollar (\$100.00) non-refundable application fee, pursuant to Tennessee Code Annotated §57-5-108(c). 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 Ordinance. The application shall be sworn to and verified by the affidavits of two (2) reputable citizens of Louisville who are acquainted with the applicant. Such application shall be accompanied by a survey by a licensed surveyor certifying that the distance requirements of Section 11 have been met and that the proposed beer establishment is not operating within the prohibited distances.

Section 8: Beer permits shall be restrictive. 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. It shall be unlawful for any beer permit holder to engage in any

type of 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.

Section 9: Classes of consumption permits. Permits issued by the beer board shall consist of two (2) types:

(1) On Premises Permit. An On Premises Permit shall be issued for the consumption of beer only on the premises. To qualify for an On Premises Permit, an establishment must, in addition to meeting the other regulations and restrictions in this Ordinance:

- (a) be primarily a restaurant or an eating place; and
- (b) Be able to seat a minimum of fifty (50) people, including children, in booths and at tables, in addition to any other seating it may have; and
- (c) have all seating in the interior of the building under a permanent roof.

In addition, the monthly beer sales of any establishment which holds an On Premises Permit shall not exceed fifty per cent (50%) of the gross sales of the establishment. Any such establishment which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding fifty per cent (50%) of its gross sales, shall have its beer permit revoked.

(2) Off Premises Permit. An Off Premises Permit shall be issued for the consumption of beer only off the premises.

(3) No such premises shall have screens, blinds, painted

windows, partitions or other objects erected or used or allowed to obstruct or interfere with the view of the general public.

Section 10: Limitation on number of permits. There shall be no limit on the number of On Premises Permits and Off Premises Permits.

Section 11: 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 hospitals, 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 manufacture or storage of beer, or the sale of beer by an On Premises Permit holder, within five hundred feet (500') of any hospital, school, church, or other place of public gathering; or authorizing the sale of beer by Off Premises Permit holders within five hundred feet (500') of any hospital, school, church, or other place of public gathering. The distances shall be measured in a straight line from the nearest point on such building to the nearest point on the building from which the beer will be sold, manufactured or stored. Nor will any such permit be issued to a person or place when such establishment lies within three hundred feet (300') of any residence, unless waived by the homeowner or resident. However, a homeowner or resident within three hundred feet (300') may waive this restriction.

Section 12: 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.

Section 13. 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 (10) years.

(2) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. during any night of the week, or between midnight Saturday and [11:59] a.m. Sunday morning.

11:59

(3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(4) Make or allow any 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 any feeble-minded, insane, or otherwise mentally incapacitated person.

(7) Allow drunk 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 per cent (5%) by weight.

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(9) Allow gambling on his premises.

(10) Allow nude or obscene 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 a separate sanitary toilet facility where there are on premises sales.

(13) Sell beer through a "drive-thru window" sale.

Section 14: Suspension and revocation of beer permits.

The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this Ordinance 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 Ordinance. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after a reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board.

Section 15: Time period from application to granting of permit. No action shall be taken by the beer board until after thirty (30) days after the application to the beer board has been filed to allow for citizen input.

Section 16. Exemption. Any and all establishments holding Blount County Beer Permits at the date of incorporation shall be exempt from the thirty (30) day waiting period mandated in Section 15 hereinabove. Such establishments shall be granted a permit upon the filing of the application, and such establishment shall further be excused from submitting a survey

as provided in Section 7.

Section 17: This Ordinance shall become effective immediately upon passage, the public welfare requiring it.

Ray Sampley
Mayor

Geraldine Anderson
Alderman

Patricia Huffman
Alderman

Margaret H. Mairs
City Recorder