

AN ORDINANCE OF THE BOARD
OF MAYOR AND ALDERMEN OF THE
TOWN OF LOUISVILLE, TENNESSEE,
PROVIDING FOR THE REGULATION
OF THE CONSUMPTION AND SALE OF ALCOHOLIC
BEVERAGES IN THE TOWN OF LOUISVILLE.

ORDINANCE NO. 2021-02

FIRST READING DATE
PASSED: May 11, 2021

SECOND READING DATE
PASSED: June 8, 2021

PUBLIC HEARING:

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

WHEREAS, The Board of Mayor and Alderman desire for the Town of Louisville to exercise its authority under the law to provide for the regulation of the sale and consumption of alcoholic beverages within Town of Louisville; and

WHEREAS, it has been determined that the adoption of such an ordinance is necessary and proper for the health, safety and welfare of citizens of the Town of Louisville;

THEREFORE, IT IS ORDAINED:

1. Definitions. As used in this ordinance, the term "alcoholic beverage" shall mean unless the context dictates 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 patent medicine or beer, as the same is defined in existing ordinances.

"Public property" shall mean any property owned or maintained by the Town of Louisville, Blount County, Tennessee, or any public utility within the geographical boundaries of a special event zone.

"Special events" shall be an event sponsored or co-sponsored officially by the Town of Louisville within certain times where possession and consumption of alcohol is permitted by the resolution providing for sponsorship

or co-sponsorship of the special event within the special event zone. It shall be entirely within the discretion of the Board of Mayor and Aldermen to approve or disapprove by resolution a special event to qualify as one that allows the public consumption and possession of alcoholic beverages or beer as set forth herein. All applications for such special event shall be made by or through the Mayor who shall present the resolution to Board of Mayor and Aldermen if the Mayor determines proposed event is appropriate for a Town of Louisville sponsored or co-sponsored special event.

"Special event zone." The special event zone shall be a defined area within the downtown area approved on a case by case basis and the resolution allowing the city sponsored or co-sponsored special event to take place where public consumption and possession of alcoholic beverages and/or beer is allowed during a special event. Town of Louisville employees will reasonably mark the special event zone with tape, sign age or otherwise to allow participants in the special event to know the parameters of the special event zone. The special event zone will be delineated by reference to the specific landmarks or Municipal boundaries, a map of the event area approved by the Mayor, or by metes and bounds description in the resolution providing for the special event.

2. 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-premise conducted within the corporate limits of Louisville, Tennessee. It is the intent of the Board of Mayor and Aldermen that said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Louisville, Tennessee, the same as if said code sections were copied herein verbatim.

3. 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 T.G.A., title 57, chapter 4, section 301, for the Town of Louisville 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 Louisville alcoholic beverages for consumption on the premises where sold.

4. Annual privilege tax to be paid to the Town.

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 Louisville shall remit annually to the Town the

appropriate tax described in Section 3. 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.

5. Public consumption of intoxicating liquors or alcoholic beverages prohibited.

None of the beverages regulated by this chapter shall be consumed upon any public street, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school nor upon any park or public grounds nor upon any vacant lot within two hundred (200) feet of any public street, highway, avenue, or other public place. Despite the provisions of this section, possession and consumption of alcoholic beverages and beer as otherwise defined in this title is permitted during certain city sponsored or co-sponsored special events within the physical parameters of the special event zone during the time of the special event if otherwise provided by resolution of the Board of Mayor and Aldermen.

6. Manufacture of intoxicating liquors, intoxicating drinks, and high alcohol content beer.

Intoxicating liquors, intoxicating drinks and high alcohol content beer as defined by state law may be manufactured within the corporate limits upon:

- A. Payment of a privilege tax to the city as required by law;
- B. The issuance by the city of a license authorizing the manufacturing facility to operate; and
- C. Proper licensure from the alcoholic beverage commission. Such local license
- D. Proper Licensure from the alcoholic beverage commission. Such local license shall be considered and granted, if appropriate, by the Board of Mayor and Aldermen and issued by the city recorder if all requirements under state law for the applicant to manufacture intoxicating liquors, intoxicating drinks and/or high alcohol content beer are met. The applicant shall provide all information for such license applications required by the city recorder.

7. Proof of Age

A. Identification required prior to the sale of beer or alcoholic beverages.

Any person selling beer or alcoholic beverages within the corporate limits of the Town of Louisville, Tennessee shall be required to have produce to have produced to him or

her a facially valid government issued identification showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one years of age or older. If such identification is not produced by the prospective purchaser, the beer or alcohol beverages shall not be sold. Such identification shall be required prior to the sale of beer or alcoholic beverages regardless of the apparent age of the prospective purchaser. The identification provided shall be a document issued by a state governmental agency.

B. Signs Required

Any establishment within the corporate limits of the Town of Louisville, Tennessee which sells beer or alcoholic beverages shall prominently display on the premises a sign not less than 6 inches high and 10 inches wide reading: "A minor attempting to purchase alcoholic beverages will be prosecuted to the fullest extent of the law." Such establishment shall further prominently display a sign not less than 6 inches high and 10 inches wide reading: "Any person selling beer or alcoholic beverages within the corporate limits of the Town of Louisville, Tennessee shall be required to have produced to him or her a facially valid government issued identification showing that the age of the prospective purchaser of the beer or alcoholic beverages is twenty-one years of age or older. If such identification is not produced by the prospective purchaser, the beer or alcohol beverages shall not be sold. Such identification shall be required prior to the sale of beer or alcoholic beverages regardless of the apparent age of the prospective purchaser. The identification provided shall be a document issued by a state governmental agency."

C. Exception; on premises consumption permit holders.

Any holder of a permit allowing on premises consumption of beer or alcoholic beverages in the city limits shall be permitted to serve beer or alcoholic beverages to a person without seeing identification provided in Section 6, subsection (1) of this ordinance if in the discretion of a manager on the premises a person wishing to purchase such beverages beyond a reasonable doubt is twenty-one years of age or older.

D. Violation and Penalty

Violation of any part of this chapter alone shall not subject a permit holder to revocation of his or her beer permit or permit to sell liquor or alcoholic beverages as issued by the Town of Louisville. Penalties for violation of this chapter shall be as follows:

First offense: Written warning to permit holder and person who failed to

require presentation of identification as set forth herein, if appropriate.

Second offense: Up to \$200 fine by beer board to permit holder.

Third offense: Discretion of beer board as appropriate.

8. Public consumption and possession of alcoholic beverages and/or beer permitted on public property in the special event zone in certain defined parameters during town sponsored or co-sponsored special events.

A. It shall be lawful for any person to consume and possess alcoholic beverages and/or beer on public property in the downtown during special events within the special event zone if the person is otherwise legally permitted to possess and consume alcoholic beverages and/or beer if such consumption is expressly approved by city council for the special event. Such person who consumes and possesses alcoholic beverages and/or beer if permitted by city council on public property will not be considered in violation of city code provisions that otherwise prohibit public possession and consumption of alcoholic beverages and beer so long as such activity is physical parameters of the special event zone during a permitted special event. Alcoholic beverages and beer consumed or possessed during a special event in a special event zone on public property shall be consumed in a plastic or aluminum container. There shall be no glass containers of alcoholic beverages or beer permitted on public property during a special event in a special event zone.

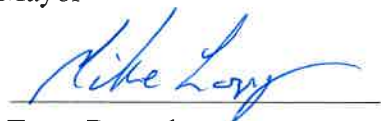
B. Any person violating or interfering with the enforcement of this section shall be guilty of a misdemeanor.

9. Supplemental Nature of This Ordinance. The provisions of this ordinance are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable state and federal law.

10. Effective Date. This ordinance shall take effect upon its adoption on second and final reading, the public welfare requiring it.



Mayor



Town Recorder