

City of Dickson

Beer Permit Application and Information Packet

The City Recorder's Office is responsible for all beer permits issued within the city limits of Dickson. Only completed applications will be submitted to the beer board. Please complete all questions on the application accurately.

The beer board requests the applicant be present at the beer board meeting. The City of Dickson Beer Board considers applications at its first meeting after receipt of completed application and results of background check. You will be notified by the City Recorder when to appear. After approval of the permit, the applicant must pay the annual privilege tax before the beer permit is issued.

If you have any questions, please contact Chris Norman at 615-441-9508 or cnorman@cityofdickson.com.

City of Dickson

Beer Permit Information Sheet:

Beer permits are issued by the City of Dickson Beer Board. Temporary permits are not issued. (For information regarding beer permits and their restrictions, please see the attached Municipal Code entitled “Beer” (Title 8, Chapter 2 Section 8-209).

Permits are issued to the owner of the business, whether a person, firm, corporation, joint-stock company, limited liability corporation, syndicate, or association.

A permit is only valid for the business owner named in the permit application.

A permit is issued for a single location and is valid for all decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located.

If the business operates through a local managing agent and the owner changes managing agents, the business is required to send the “Change of Managing Agent” Form that is provided in the packet to notify the City of Dickson of the change in managing agents.

When a business is terminated, a change of ownership occurs, relocation of the business, or there is a change in the business name, the permit holder must return the permit to the City of Dickson within fifteen (15) days of the change. (A change in ownership occurs for a corporate owner when at least 50% of the stock of the corporation is transferred to a new owner.) A new beer permit must be applied for when the above listed changes occur.

Periodic renewal of beer permits is not required.

The City of Dickson has a distance requirement of 400 feet from any church or school. A survey from a licensed surveyor must accompany the application. The distance restriction does not apply to:

- 1) An establishment having a license issued by the Tennessee Alcoholic Beverage Commission to sell alcoholic beverages for consumption on the premises and which is a restaurant as defined by the Tennessee Alcoholic Beverage Commission pursuant to Tennessee Code Annotated § 57-4-101, et seq.
- 2) An establishment having a license issued by the Tennessee Alcoholic Beverage Commission to sell wine and which is a retail food store as defined by the Tennessee Alcoholic Beverage Commission pursuant to Tennessee Code Annotated § 57-3-803, et seq.
- 3) An establishment located in an area zoned commercial

A non-refundable application fee of \$250.00 must be paid to the City of Dickson

The beer privilege tax is \$100.00 per year and is due January 1st of each year. (A prorated amount must be paid by new permit holders)

Applicants must have a current City of Dickson Business License and provide proof of Department of Revenue Sales and Use Tax Certificate or proof application of certificate has been applied for by the applicant.

Applicants must submit a background check and be fingerprinted through the Tennessee Bureau of Investigation. Each owner with ownership of 5% or more is required to submit a background check. Corporate ownership should include background checks on each principal officers and local managing agent(s). *(Information regarding required background check and fingerprinting is provided on the last page of this packet.)*

A local background check will also be performed by the City of Dickson Police Department. (City Recorder will request the local background check by the City of Dickson Police Department.)

All municipal building requirements must be met and a Certificate of Occupancy (C.O.) must be given by the City of Dickson Planning and Zoning Department before a beer permit is issued.

All applications must be complete and all required documentation must be turned in to the City Recorder before an application is sent to the beer board. Applications and required documentation will be reviewed by the City Recorder. Once all requirements for the application have been met, the City Recorder will contact the applicant to inform them date and time of the beer board meeting. The beer board requests the applicant be present at the board meeting to answer any questions the board may have.

City of Dickson

Beer Permit Process:

1. Obtain beer permit application from the City Recorder's Office
2. Secure compliant location (Please see page 2 of the Beer Permit Information Sheet to determine if a survey is required.)
3. Return completed and notarized application and other required documents to the City Recorder.
4. Pay \$250.00 non-refundable application fee
5. Background check conducted by the Tennessee Bureau of Investigation
6. Business must have a current City of Dickson business license
7. Business must have Department of Revenue Sales and Use Tax Certificate or must provide proof application has been made
8. Class I and Class III permit applicants must provide copy of menu
9. After permit is approved a pro-rated privilege tax must be paid to the City of Dickson Tax Collector's office before beer permit is issued by the City Recorder.
10. For proof of identification, the applicant must bring their driver's license and social security card (or other form of government issued identification) when application is submitted. A copy must be on file with their application.
11. Beer permit will **not** be issued until building has met all building codes and a Certificate of Occupancy has been given by the City of Dickson Planning and Zoning Department.

City of Dickson Beer Permit Application Checklist:

Required to be completed and submitted by applicant(s):

- _____ Complete and Notarized Application
- _____ Provide Survey From Licensed Surveyor (if one is required)
- _____ Copy of Driver's License (or Other Government Issued Identification)
- _____ Copy of Social Security Card (or Other Government Issued Identification)
- _____ Copy of Sales and Use Certificate or Proof of Application
- _____ Copy of City of Dickson Business License
- _____ Payment of \$250.00 Non-refundable Application Fee
- _____ Copy of Menu (required of Class I and Class III Permits)
- _____ TBI Background Check and Fingerprinting Completed
- _____ Building meets all municipal building codes and a Certificate of Occupancy (C.O.) has been issued by the City of Dickson Planning and Zoning Department

CITY OF DICKSON BEER PERMIT

APPLICATION

Date: _____

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 TENNESSEE CODE ANNOTATED 57-5-101, et seq., AND DICKSON MUNICIPAL CODE TITLE 8, CHAPTER 2 AND BASE MY APPLICATION UPON THE INFORMATION PROVIDED HEREIN.

Full name of applicant (owner): _____

Applicant is (check one):

Person _____ Partnership _____ Corporation _____ LLC _____
Syndicate _____ Association _____ Joint-Stock Co. _____ Other _____

Mailing address: _____

City/State/Zip: _____

Business Location: _____

City/State/Zip: _____

Manager (if applicant is a business): _____

Address: _____

City/State/Zip: _____

Applicant Tel: _____ Email: _____

Manager's:

Date of Birth: _____ Social Security No. _____

Driver's License No. _____ Business License No. _____

Type of Permit Requested:

_____ Class I (on-premises only) _____ Class IV (private club)
_____ Class II (off-premises only) _____ Class V (growlers only)
_____ Class III (on/off-premises)

Person to receive annual privilege tax notices:

Name: _____

Address: _____

City/State/Zip: _____

Tel: _____ Email: _____

List all persons, firms, corporations, joint-stock companies, syndicates, partnerships or associations having at least a five percent (5%) ownership interest in the business (attach additional sheet, if needed)

Has the prospective permit holder or anyone having at least a five percent (5%) ownership interest, managers or employees of the business been convicted within the past ten (10) years of any felony involving misuse or abuse of alcohol or the illegal use of drugs, or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in TCA § Title 39, Chapter 17, Part 2, schedules I through V, et seq., and/or any crime involving moral turpitude?

Yes _____ No _____ (If yes, list specific charge, court and date convicted)

Has the prospective permit holder or anyone having at least a five percent (5%) ownership interest, managers or employees of the business been convicted within the past two (2) years of any misdemeanor involving the misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in TCA § 39-17-310, et seq., disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or

possession with intent to manufacture, deliver, or sell any control substance that is listed in TCA Title 39, Chapter 17, Part 2, scheduled I through V, et seq., and/or any crime involving moral turpitude?

Yes _____ No _____ (If yes, list specific charge, court and date convicted)

Has the prospective permit holder or anyone having at least a five percent (5%) ownership interest, managers or employees of the business been convicted within the past five (5) years of any two (2) or more misdemeanors involving misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in TCA § 39-17-310, et seq., disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in TCA Title 39, Chapter 17, Part 2, schedules I through V, et seq., and/or any crime involving moral turpitude?

Yes _____ No _____ (If yes, list specific charge, court and date convicted)

Has the prospective permit holder or anyone having at least a five percent (5%) ownership interest had a beer permit revoked, suspended or denied in the State of Tennessee?

Yes _____ No _____ (If yes, specify date, place and reason for revocation)

Is this application for a new location?

Yes _____ No _____ (if no, provide name and mailing address of previous permit holder)

Does applicant have any type of personal, family or business relationship or connection to the individual, business or corporation that previously or currently possesses a permit for this location?

Yes _____ No _____ (If yes, please explain)

Does this business currently possess or will it apply for any license from the Tennessee ABC?

Possesses _____ Will apply for _____

Liquor by the Drink _____ Wine on Premises _____

Wine in Grocery Store _____ Other _____

Name, address and contact number for owner of property, if different from applicant.

Name, address, driver's license number, Social Security number and telephone number of any manager(s) other than applicant (use additional sheet, if needed).

Name: _____ Name: _____

DL: _____ DL: _____

SSN: _____ SSN: _____

Address: _____ Address: _____

City/State/Zip _____ City/State/Zip: _____

Tel: _____ Tel: _____

Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted in TCA 57-5-103(a)(4) within the same building? If yes, list the names of each business within the same building and their primary use (use additional sheet, if needed).

Does your company have a training policy for employees regarding the sale of beer to minors?

Yes _____ No _____

If no, do you plan to implement a training policy in the future?

Yes _____ No _____

Is this business certified under the Responsible Vendor program through the Tennessee Alcoholic Beverage Commission?

Yes _____ No _____

Has this business or any employee ever had a Responsible Vendor certificate revoked, suspended or canceled by the Tennessee Alcoholic Beverage Commission?

Yes _____ No _____ (if yes, identify person and reason)

By my signature, I hereby certify that I understand and agree to comply with all applicable laws, statutes, codes and rules if granted a permit and am aware of the following:

1. The applicant must hold a valid City of Dickson business license to obtain a beer permit. This permit shall be displayed in a prominent place in the establishment.
2. The applicant is required to provide documentation of the Tennessee Department of Revenue certificate of sales tax registration or proof of application for such to the City.
3. A non-refundable \$250 application fee must accompany this application payable to the City of Dickson.
4. A privilege tax of \$100 is imposed on the business effective January 1 and each successive January 1 payable to the City of Dickson. In the case of a new permit, the permit holder shall pay the tax on a prorated basis for each month remaining until the next tax payment date.
5. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant has been convicted of any violation of the laws specified in this application within the past ten (10) years.
6. No beer will be sold except at places where such sale will not cause congestion of traffic or interference with schools, churches, or places of public gathering, or otherwise interfere with public health, safety and morals.
7. All sales will conform to the class of permit issued. Any desire to change the class of permit will require a new application.
8. No sale shall be made to minors. Permit holder accepts responsibility for any prohibited sales made by employees.

9. A permit holder shall be required to amend or supplement its application promptly if a change in circumstances affects the responses provided in its application.
10. The permit holder must return the permit to the City of Dickson within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, that notwithstanding the failure to return a beer permit, the permit shall expire on termination of the business, change of ownership, relocation of the business or change in the business's name.
11. The beer board shall have the power to revoke or suspend a beer permit when the holder thereof is guilty of making a false statement or misrepresentation in the application, for failure to pay the privilege tax in a timely manner or for any violation of law, statute or ordinance following a hearing.
12. Where a permit has been refused, the applicant shall not be allowed to apply again for a permit on the same premises until after the expiration of a twelve (12) month period.
13. I have read and am familiar with the provisions of Title 8 Chapter 2 of the City of Dickson Municipal Code entitled "Beer."

The signing of this application acknowledges that I am aware of the laws prohibiting the sale of beer to minors and that I will comply with all provisions and restrictions as outlined.

Signature of Applicant/Owner (or Authorized Corporate Officer)

Sworn to and subscribed before me this _____ day of _____ 20____.

Notary Public

My Commission Expires: _____

FOR OFFICIAL USE ONLY

Application Fee: _____ Date Paid: _____ Check No.: _____

Privilege Tax: _____ Date Paid: _____ Check No.: _____

Zoning Classification for Location: _____ Verified by: _____

Date Background Check Received from Dickson Police Department: _____

Date Background Check Received from Tennessee Bureau of Investigation: _____

Date Beer Permit Application Presented to City of Dickson Beer Board: _____

Approved _____ Denied _____ Deferred _____

Other _____

Chris Norman, Recorder

CITY OF DICKSON

600 EAST WALNUT STREET
DICKSON, TENNESSEE 37055

www.cityofdickson.com

DON L. WEISS JR., O.D.
MAYOR

TEL: (615) 441-9508
FAX: (615) 446-4806

WAIVER AGREEMENT AND STATEMENT FOR CRIMINAL HISTORY CHECKS

This form must be completed and signed by every applicant for a beer permit from the City of Dickson to include every officer or each person who has at least a five (5) percent interest in said business for whom criminal history records are requested by the City of Dickson.

I hereby authorize the City of Dickson, Tennessee, to submit a set of fingerprints through the Tennessee Bureau of Investigation vendor and this form to the TBI for the purpose of accessing and reviewing Tennessee and national criminal history that may pertain to me directly from the Federal Bureau of Investigation (FBI). By signing this Waiver Agreement, it is my intent to authorize the dissemination of any national criminal history record that may pertain to me to the City of Dickson, with which I am applying for a beer permit.

I understand that, until the criminal history background check is completed, the City of Dickson Beer Board will not approve the issuance of a permit to sell beer. I further understand that, upon request, the City of Dickson will provide me with a copy of the criminal history background report, if any, that the City of Dickson receives on me and that I am entitled to challenge the accuracy and completeness of any information contained in any such report. I may obtain a prompt determination as to the validity of my challenge before the Beer Board makes a final decision on my application for a beer permit. I further understand that information reported in the criminal history background check can be grounds for refusal to approve a beer permit.

A national criminal history background check on me is being requested by:
City of Dickson, 600 East Walnut Street, Dickson, Tennessee 37055
for the purpose of applying for a beer permit.

I ☐ have **OR** ☐ have not been convicted of a crime (**check one**).

If convicted, describe the crime(s) and the particulars of the conviction(s):

I am currently applying for a permit to sell beer within the City of Dickson in compliance with all requirements of the Dickson Municipal Code. This form is to be completed by each officer or person with a five (5) percent or more interest in the applying business.

Signature: _____

Date: _____

Printed Name: _____

Date of Birth: _____

Home Address: _____

City/State/Zip: _____

Business Address: _____

City/State/Zip: _____

Phone: _____

City of Dickson

600 East Walnut Street
Dickson, Tennessee 37055
615-441-9508
Fax: 615-446-4806

Recorder Chris Norman
cnorman@cityofdickson.com

ORIGINAL MUST BE RETAINED BY THE CITY OF DICKSON
COPY MUST BE SUBMITTED TO THE TBI

**APPLICATION FOR CHANGE IN MANAGING AGENTS
TO SELL BEER WITHIN THE CITY OF DICKSON, TENNESSEE**

This form is required to be completed only when there is a change in local managing agents.

Under what trade name does this business operate?

_____ Phone _____

Location of business _____

Managing Agent: (Please print)

Name _____

Address _____

S/S # _____ D/L # _____

Date of Birth _____ Home Phone _____

I have _____ have not _____ been convicted for any crime involving liquor laws or abuse of alcoholic beverages or crimes of moral turpitude. If yes, please explain:

Agent hereby solemnly swears that each statement above is true and that if any statement herein is false, the permit issued pursuant thereto may be revoked by the Beer Board upon notice and hearing, in which event the burden shall be on the permittee to prove the correctness of all statements of this affidavit. Agent further swears that he has been advised that he is also subject to all applicable provisions of the Tennessee Code Annotated.

Signature of managing agent

On behalf of

Name of business entity

TITLE 8
CHAPTER 2
BEER
As amended by Ord. 1404, April 2017

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 action.
- 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. Beer permits shall be restrictive.
- 8-210. Limitation on permits.
- 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. Revocation or suspension of beer permits; responsible vendors.
- 8-215. Civil penalty in lieu of revocation or suspension.
- 8-216. Loss of clerk's certification for sale to minor
- 8-217. Violations.

8-201. Beer board established. A beer board to be composed of the mayor and all the members of the city council is established. The mayor shall be the presiding officer of the beer board. (1980 Code, § 2-201, as replaced by Ord. #1244, Dec. 2007)

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 in the city hall at times as it shall prescribe. The mayor may call a special meeting of the beer board provided that the mayor gives reasonable notice to each member. The board may adjourn a meeting at any time to another time and place. (1980 Code, § 2-202, as replaced by Ord. #1244, Dec. 2007)

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 public record and shall contain at least the following:

- (1) The date of each meeting;
- (2) Names of the board members present and absent;
- (3) Names of the members introducing and seconding motions and resolutions before the board;
- (4) A copy of each written motion or resolution presented;
- (5) The vote of each member;
- (6) The provisions of each beer permit issued by the board; and
- (7) Information regarding any other action of the board. (1980 Code, § 2-203, as replaced by Ord. #1244, Dec. 2007)

8-204. Requirements for beer board quorum and action. A majority of the members of the beer board constitutes a quorum for transacting business. Any action of the board requires a majority of the members voting if there is a quorum. (1980 Code, § 2-204, as replaced by Ord. #1244, Dec. 2007)

8-205. Powers and duties of the beer board. The beer board shall regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter and other applicable law. (1980 Code, § 2-205, as replaced by Ord. #1244, Dec. 2007)

8-206. “Beer” defined. The term “beer” as used in this chapter shall be the same definition appearing in Tennessee Code Annotated 57-5-101, et seq. (1980 Code, § 2-206, as replaced by Ord. #1244, Dec. 2007, as replaced by Ord. #1404, April 2017)

8-207. Permit required for engaging in beer business.

- (1) The applicant for a beer permit shall submit an application on such form as the City may require and shall submit within the application a non-refundable fee in the amount of two hundred fifty dollars (\$250.00). The applicant shall disclose the following in its application for a beer permit:
 - a. Name of the applicant
 - b. Name of the applicant’s business
 - c. Location of the business by street address or other geographical description sufficient to permit an accurate determination of conformity with the requirements of state law and this ordinance;
 - d. Persons or business entities having at least a five percent (5%) ownership interest in the applicant business, and, if a business entity owns at least a five percent (5%) ownership interest in the applicant business, the owners of at least a five percent (5%) ownership interest in such business entity shall also be disclosed;
 - e. Identity and address of a representative to receive annual tax notices and any other communications from the beer board;
 - f. The class of permit being requested and an acknowledgement that if the applicant desires to change the method of sale or operation in the future a new application shall be submitted to the beer board requesting a new permit;
 - g. Such other relevant information as may be required from time to time by the beer board. An applicant or permit holder shall be required to amend or supplement the application promptly if a change in circumstances affects the responses provided in the application; and
 - h. The applicant’s certification that he/she has read and is familiar with all provisions of this article.
- (2) Any applicant making a false statement in the application shall forfeit such applicant’s permit and shall not be eligible to receive any type of beer permit for a period of three (3) years.
- (3) Each applicant shall be entitled to a hearing upon its application before the beer board. In no event shall a permit be issued without a full and proper hearing before the beer board and a majority vote in favor of such issuance.
- (4) Where a beer permit has been refused by the beer board, the applicant shall not be allowed to apply again for a permit on the same premises until after the expiration of one (1) years from the date of the refusal. Nothing in this division

- shall be construed as prohibiting or in any manner limiting the right of review by the circuit or chancery court of the county in the manner authorized by law.
- (5) Following the filing of any application, the beer board, at the applicant's expense, may direct such investigation of the contents of the application as it deems proper. (As amended by Ord. #1404, April 2017)

8-208. Privilege tax. There is imposed on the business of selling, distributing, storing or manufacturing beer an annual 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 each successive January 1 to the City of Dickson, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall pay the privilege tax on a prorated basis for each month or portion of a month remaining until the next tax payment date. (1980 Code, § 2-208, as replaced by Ord. #1244, Dec. 2007)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits are required for selling at retail, storing, distributing, and manufacturing. It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by the permit. It is likewise unlawful for any beer permit holder not to comply with any expressed restrictions or conditions in the permit. Beer permits are issued with the following restrictions:

Class I – On Premises. This permit shall allow the sale and consumption of beer on the applicant's premises only. Premise is to include all decks, patios, porches or other structures that are connected or contiguous to the building. The applicant is to be engaged regularly in serving meals on every day it is open for business. Applicant must include a copy of a proposed menu with the application.

Class II – Off Premises. This permit shall allow the sale of beer for consumption off the applicant's premises only, including adjoining sidewalks, streets and parking lots within 200 feet of the structure. Sales are limited to unopened manufacturer's containers only. Sales in refillable containers or "growlers" as defined in this chapter are not allowed.

Class III – On/Off Premises. This permit shall allow the sale of beer for consumption on or off the applicant's premises. Permit is subject to the same restrictions as a Class I permit. Permit shall allow the sale of beer in unopened manufacturer's containers and refillable containers or "growlers" as defined in this chapter for off-premises consumption.

Class IV – Private Club Permit. This permit shall allow the sales of beer for on-premises consumption only in a chartered, members-only organization.

Class V – "Growler" Permit. This permit shall allow the retail sale of beer contained in "growlers." A "growler" is defined as a glass container not to exceed sixty-four (64) ounces that is filled by an employee of the licensed establishment with beer from a keg. The container must be specifically manufactured, sold and utilized solely for the purpose of a "growler" and must be re-sealable for off-premises consumption only. "Growlers" may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed "growlers" may be filled and available for retail sale. Each "growler" must be securely sealed and removed from the premises in its original sealed condition. Consumption of beer on the premises of any Class V permit is strictly prohibited, except samples of tap beers offered for sale may be made available. Individual samples shall not exceed one (1) ounce per sample, nor shall any one individual be

offered or allowed to consume more than five (5) one-ounce samples or five (5) total ounces per business day. Class V permits shall be solely issued for those businesses whose primary source of revenue shall be from the sale and refilling of beer “growlers.” (1980 Code, § 2-209, as replaced by Ord. #1244, Dec. 2007, as replaced by Ord. #1404, April 2017)

8-210. Limitation on permits. Provided that a permit holder complies with all requirements of this chapter, any existing permit for the sale of beer within the corporate limits of the city at the date of the passage of this ordinance shall continue to be renewed. A new permit may be issued to a qualified purchaser of an existing establishment for which an existing permit has been issued for the sale of beer provided the purchaser complies with the provisions of this chapter. Any new permit issued for the sale of beer at the establishment must be restricted to the previous type permit issued for this establishment and must be restricted to the existing structure used by the former permit holder. (1980 Code, § 2-210, as replaced by Ord. #1244, Dec. 2007)

8-211. Interference with public health, safety and morals prohibited. (1) No permit authorizing the sale of beer will be issued when the business would cause congestion of traffic or would interfere with schools or churches, 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 within four hundred (400) feet of any school or church. This distance restriction does not apply to an establishment in a commercial zone, or having a license issued by the Tennessee Alcoholic Beverage Commission to sell alcoholic beverages for consumption on the premises and which is a restaurant as defined by the Tennessee Alcoholic Beverage Commission pursuant to Tennessee Code Annotated § 57-4-101, et seq., or any establishment having a license issued by the Tennessee Alcoholic Beverage Commission to sell wine and which is a retail food store as defined by the Tennessee Alcoholic Beverage Commission pursuant to Tennessee Code Annotated § 57-3-803, et seq. The distance shall be measured in a straight line from the nearest point of the building from which the beer will be manufactured, stored or sold to the nearest point of the church or school building. The measurement shall include any decks, patios and other outdoor service areas contiguous to the building as defined by Tennessee Code Annotated § 57-5-103, et seq. The applicant for a beer permit shall submit with his application a measurement made by a licensed surveyor certifying the accuracy of the distance. If, at the time of application, the applicant's structure is not completed, the applicant must submit sufficient information in the form of a site plan, blueprints or other construction documents that provide the ability to verify the proposed building will comply with the requirements. A permit can be approved but shall not be issued until such time that the structure is completed and compliance with all Municipal Code requirements is verified. If a beer permit is approved for a proposed or incomplete building, the applicant must notify the City immediately of any changes in the construction that would affect its compliance with the Municipal Code. If the completed building is found not to be in compliance with any requirement, the City of Dickson has the right to revoke the beer permit. No permit shall be suspended, revoked or denied on the basis of proximity to a school or church if a valid permit has been previously issued to any business on that same location unless the sale, distribution or manufacture of beer at that location has been discontinued during any continuous six (6) month period.

(2) A church as referred to herein shall be a place where religious services are held at least once a week and the premises occupied for church purposes exclusively, and which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code. The city shall not suspend, revoke or deny a permit to a business engaged in selling, distributing or manufacturing beer on the basis of the proximity

of the business to a school or church if a valid permit had been issued to any business on that same location as of January 1, 1993. This section shall not apply if beer is not sold, distributed, or manufactured at that location during any continuous six (6) month period after January 1, 1993.

(3) A school as referred to herein shall be a school operated by the public school system of Dickson County or a private school accredited or approved by the State of Tennessee. (1980 Code, § 2-211, as amended by Ord. #1149, June 2004, replaced by Ord. #1244, Dec. 2007, and amended by Ord. #1330, Dec. 2013, and amended by Ord. #1404, April 2017)

8-212. Issuance of permits to persons convicted of certain crimes prohibited. No permit shall be issued to any person who has been convicted of the following:

- (1) Within the past ten (10) years of any felony involving misuse or abuse of alcohol or the illegal use of drugs, or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in TCA § Title 39, Chapter 17, Part 2, schedules I through V, et seq., and/or any crime involving moral turpitude; or
- (2) Within the past two (2) years of any misdemeanor involving the misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in TCA § 39-17-310, et seq., disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any control substance that is listed in TCA Title 39, Chapter 17, Part 2, scheduled I through V, et seq., and/or any crime involving moral turpitude, or
- (3) Within the past five (5) years of any two (2) or more misdemeanors involving misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence or while impaired, public intoxication, as defined in TCA § 39-17-310, et seq., disorderly conduct when it involves the use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in TCA Title 39, Chapter 17, Part 2, schedules I through V, et seq., and/or any crime involving moral turpitude. (1980 Code, § 2-212, as replaced by Ord. #1244, Dec. 2007, as replaced by Ord. #1404, April 2017)

8-213. Prohibited conduct or activities by beer permit holders. The holder of a beer permit shall not:

- (1) Employ any person convicted of any offense regarding 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) Make or allow any sale of beer between the hours of 3:00 A.M. and 8:00 A.M., during any night of the week; and 3:00 A.M. and 12:00 P.M. on Sunday.
- (4) Make or allow any sale of beer to a minor under twenty-one (21) years of age.
- (5) Allow any minor 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.

- (7) Allow drunk disreputable persons to loiter about the premises.
- (8) Serve, sell, or allow the consumption on the premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight unless the beer permit holder is also the holder of a State of Tennessee Liquor License.
- (9) Fail to provide and maintain separate sanitary toilet facilities for men and women, if beer is consumed on the premises.
- (10) Allow, use, employ or permit any sexual or pornographic conduct prohibited by Tennessee Code Annotated, § 57-4-204(b), (c), (d), (e).
- (11) Fail to post signs as required by Tennessee Code Annotated, § 57-5-301. Any violation of this section is grounds to revoke or suspend a beer permit. Except as provided in § 8-214. (1980 Code, § 2-213, modified, as replaced by Ord. #936, § 2, June 1996, and replaced by Ord. #1244, Dec. 2007)

8-214. Revocation or suspension of beer permits; responsible vendors.

(1) The beer board may suspend a permit issued under this chapter when the holder of a permit fails to pay when due any tax or taxes owing to the City of Dickson, including the annual privilege tax, the business tax, real property taxes, or personal property taxes, or any other tax assessed against the premises for which the permit was issued, until the taxes, including any penalty and interest, are paid in full. The holder of the beer permit shall also possess a valid business license for the business at which beer is sold. The failure of the holder of the beer permit to obtain or to maintain a valid business license is grounds for suspension of a beer permit issued to the holder, until the holder of a beer permit obtains a business license.

(2) The beer board may revoke or suspend any beer permit issued under the provisions of this chapter when the holder is guilty of making a false statement or misrepresentation in the application or of violating any of the provisions of this chapter. The first violation of this chapter shall result in the revocation or suspension of the beer permit for a minimum period of fourteen (14) days, and the second violation shall result in a revocation or suspension for a minimum period of thirty (30) days. The periods of time for these revocations or suspensions do not include days on which the sale of beer is legally prohibited. The beer board may impose longer periods of suspension or revocation or may revoke a beer permit entirely if, in its opinion, that action is justified. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to the holder of the permit. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board. 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 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 a 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-month period. The revocation shall be for three (3) years. (1980 Code, § 2-214, as replaced by Ord. #900, June 1995, Ord. #1240, June 2007, and replaced by Ord. #1244, Dec. 2007)

8-215. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or 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 two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sale to a minor, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sale to a minor or for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder has seven (7) days within which to pay the civil penalty before the revocation or suspension is imposed. If the civil penalty is paid within that time, the revocation or suspension is deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder is an admission by the holder of the violation charged and is paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #1244, Dec. 2007)

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 of one (1) year from the date of the beer board's determination. (as added by Ord. #1244, Dec, 2007)

8-217. Violations. Except as provided elsewhere in this chapter, any violation of this chapter constitutes a civil offense and, upon conviction, is punishable by a penalty under the general penalty provision of this code. Each day a violation continues constitutes a separate offense. (as added by Ord. #1244, Dec. 2007)

Instructions for TBI Background Check:

Pursuant to Tennessee Code Annotated, Section 57-5-103(e), the City of Dickson requires a background check be performed before a beer permit application is considered by the beer board.

Instructions and information pertaining to a TBI Background Check will be provided after (1) a completed application has been submitted to the City Recorder and (2) a \$250.00 application fee has been paid.

If you have any questions or need assistance, please call the City Recorder's Office at 615-441-9508.