

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 requires the applicant or a representative of 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.

The City Recorder will notify you 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 Kimberly Givens at 615-441-9508 or kgivens@cityofdicksontn.gov.

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 are required to provide a copy of their 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 _____

Kimberly Givens, 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 Kimberly Givens
kgivens@cityofdicksontn.gov

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

Instructions for TBI Background Check:

Pursuant to Tennessee Code Annotated, Section 57-5-103(e), the City of Dickson requires a background check to 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.

ORDINANCE #1560

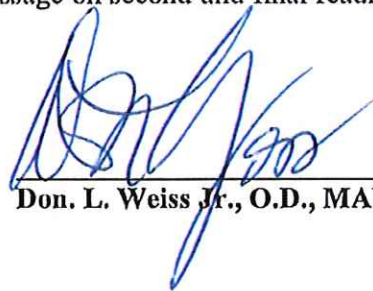
**AN ORDINANCE AMENDING TITLE 8 ALCOHOLIC BEVERAGES OF THE
DICKSON MUNICIPAL CODE**

WHEREAS, the Council of the City of Dickson, Tennessee, wishes to update and clarify certain elements of Title 8 ALCOHOLIC BEVERAGES of the Dickson Municipal Code to be in agreement with Tennessee Code Annotated and to establish more specific guidelines for enforcement of such;

Now, therefore, **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DICKSON, TENNESSEE**, that:

SECTION 1. Title 8 ALCOHOLIC BEVERAGES of the Dickson Municipal Code is amended by deleting the title in its entirety and replacing it with the new Title 8 ALCOHOLIC BEVERAGES attached hereto.

SECTION 2. This ordinance shall take effect after passage on second and final reading, the welfare of the City requiring same.



Don. L. Weiss Jr., O.D., MAYOR

ATTEST:



Chris Norman, RECORDER

Passed First Reading: Nov. 4, 2024

Passed Second Reading: Dec. 2, 2024

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Definitions.
- 8-102. Scope of chapter.
- 8-103. State law controlling.
- 8-104. Restrictions.
- 8-105. Privilege license required.
- 8-106. Regulation of retail liquor stores and retail food stores licensed to sell wine.
- 8-107. Sales locations to conform to zoning laws.
- 8-108. Control of locations.
- 8-109. Inspection fees.
- 8-110. Contents of application for certificate of compliance.
- 8-111. Issuance of certificate of compliance.
- 8-112. No restrictions on number of stores.
- 8-113. Processing applications.
- 8-114. Advertising.
- 8-115. Certificate revoked by non-use.
- 8-116. Consumption of liquor in certain places unlawful.
- 8-117. Privilege tax on selling at retail alcoholic beverages for consumption on the premises.
- 8-118. Violations and penalty.

8-101. **Definitions.** Whenever used in this chapter unless the context requires otherwise:

- 1) "Alcoholic beverage" or "beverages" or "intoxicating liquors" means and includes alcohol, spirits, liquor, wine, high alcohol content beer and every liquid containing alcohol, spirits, liquor and wine capable of being consumed by a human being, other than patented medicine, beer or wine as defined in Tennessee Code Annotated 57-3-101 et seq. (Ord. #1438, Nov. 2018)
- 2) "City" means the City of Dickson, Tennessee.
- 3) "City council" refers to the City Council of the City of Dickson.

¹State law reference

Tennessee Code Annotated, title 57.

Municipal code reference

Authorization for police officers to investigate violation of Tennessee Code Annotated, § 57-4-204: § 6-

- 4) "Domicile" means and includes present and continuous actual physical residence with an established permanent residence.
- 5) "Person" means any natural person as well as any corporation, partnership, firm, or association.
- 6) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.
- 7) "Retailer" or "dealer" means any person who sells at retail any beverage covered by this chapter.

Words importing the masculine gender shall include the feminine and the neuter, and a singular shall include the plural. (1995 Code)

8-102. **Scope of chapter.** It shall be unlawful to store, transport, sell, give away, distribute, possess, or receive alcoholic beverages in the city unless provisions of this chapter and the laws of the State of Tennessee and the state rules and regulations of the alcoholic beverage commission have been complied with.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any intoxicating liquor as defined in Tennessee Code Annotated 57-3-101 et seq. and no portion of this code related thereto is modified by this chapter. (Ord. #1438, Nov. 2018)

8-103. **State law controlling.** No person, firm, corporation, association, or partnership shall engage in the retail liquor business unless all the necessary state licenses and permits have been obtained. (1995 Code)

8-104. **Restrictions.**

- 1) No person or member of a firm, corporation, or partnership shall operate a retail store for the sale of alcoholic beverages herein defined if he is a holder of a public office, either appointive or elective, or who is a public employee either national, state, city, or county. It shall be unlawful for any such person to have any interest in such retail business directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.
- 2) Age limit. No retailer or any employee thereof engaged in any activity covered by this chapter shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer or employee to permit any such person under said age on his place of business to engage in the sale of alcoholic beverages. Further, it shall be unlawful for any minor to misrepresent his age in purchasing or attempting to purchase alcoholic beverages.
- 3) Employees. No retailer shall employ in the sale, storage, or distribution of alcoholic beverages any person who, within eight (8) years prior to the date of his employment, shall have been convicted of a felony or of violating any law regulating intoxicating liquors, and in the case an employee should be so convicted, he shall immediately be discharged.
- 4) Transfer on sale of license. The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued.
- 5) Restrictions cumulative. The provisions of this section shall be in addition to any other

restrictions or conditions which may be contained elsewhere in the provisions of this chapter. (Ord. #1438, Nov. 2018)

8-105. **Privilege license required.** The privilege license shall be levied on the business in accordance with the provisions of the "Business Tax Act" as enacted by the 87th General Assembly of Tennessee, by Chapter 387 of the Public Acts of 1971, as amended. (1995 Code)

8-106. **Regulation of retail liquor stores and retail food stores licensed to sell wine.**

- 1) No retailer shall, directly or indirectly, operate more than two (2) licensed retail business in this state. "Indirectly" means any kind of interest in such a retail business by way of stock ownership, loan, partner's interest or otherwise. A landlord shall be deemed to have an indirect interest in such a retail business when the lease agreement is based upon a percentage of profits or any other factor based upon sales of alcoholic beverages by the tenant as distinguished from being simply an interest in land for a period of time at a definite rate.
- 2) No retailer shall offer or make any discount in the sale or delivery of liquors in case quantities. No reduction in the standard price per case shall be made for sales in excess of one (1) case.
- 3) No retailer shall sell any alcoholic beverages to any person who is legally intoxicated, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is legally intoxicated.
- 4) No retailer shall sell any alcoholic beverages to a minor.
- 5) No retail establishment as defined in Tennessee Code Annotated 57-3-101 et seq. shall sell, give away, or otherwise dispense alcoholic beverages or wine except between the hours of eight o'clock a.m. (8:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Monday through Saturday and between ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday. (Ord. #1438, Nov. 2018)
- 6) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.
- 7) No retailer as herein defined shall own, store or possess upon the licensed premises any merchandise unless the retailer shall also possess such documentation to demonstrate that the taxes imposed in this chapter have been paid.
- 8) No retail establishment as defined in Tennessee Code Annotated 57-3-101 et seq. shall sell, give away or otherwise dispense alcoholic beverages or wine on Christmas day, Thanksgiving day or Easter. (Ord. #1438, Nov. 2018)

8-107. **Sales locations to conform to zoning laws.** It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Dickson unless the location of the liquor store shall be on property that is appropriately zoned for commercial use and in a structure that complies with all building codes adopted by the City of Dickson. Provided, further, that no certificate of compliance shall be issued by the mayor and/or city council in any case until the location of said proposed liquor store has been approved by the city council. (1995 Code)

8-108. **Control of locations.** No retail liquor store shall be located except on the ground floor, and the store shall have one (1) main entrance opening on a public street and no other entrance for

use by the public except as hereinafter provided. When a retail store is located on the corner of two (2) streets, such retail store may maintain a door opening on each of the public streets. All liquor stores shall be of a permanent type construction and no store shall be located in a mobile home or other movable type building. All buildings shall be in compliance with the state regulations for the operation of retail liquor stores. (1995 Code)

8-109. Inspection fees.

- 1) There is hereby levied an inspection fee of eight percent (8%) on the gross purchase price of alcoholic beverages purchased by retail dealers including the retail sale of wine in grocery stores in the City of Dickson for the purpose of resale.
- 2) Collection. The inspection fee shall be collected by the wholesaler and transmitted to the city tax collector not later than the 20th day of each month for the preceding month. (1995 Code, modified)

8-110. Contents of application for certificate of compliance. Each applicant for a certificate of compliance shall file an application for same on a form provided by the City of Dickson. Such application shall be accomplished by instructions thereon. A copy of each application form, questionnaire, partnership agreement, or any other form or material required to be filed with the State of Tennessee Alcoholic Beverage Commission in connection with this application shall be attached to the city application form and shall become a permanent part thereof as if fully and completely copied verbatim therein. The application form shall be signed and verified as required by state law. (Ord. #1438, Nov. 2018)

8-111. Issuance of certificate of compliance. A certificate of compliance shall be signed by the mayor or a majority of the city council while in session and conditioned upon the applicant(s) fulfilling the following requirements:

- (1) The applicant or applicants who are to be in actual charge of the business, including any person who holds at least five (5) percent interest in a corporation or partnership, shall not have:
 - a. Felony or misdemeanor convictions within eight (8) years of date of the application related to selling, dispensing, possessing, transporting, storing, manufacturing, or otherwise handling alcoholic beverages or beer; or
 - b. Felony or misdemeanor convictions within eight (8) years of date of the application related to the revenue laws governing alcoholic beverages or beer or any other tax-related offense; or
 - c. Felony or misdemeanor convictions within eight (8) years of date of the application related to selling, dispensing, or manufacturing Schedule I or II controlled substances or controlled substance analogues; or
 - d. Felony convictions within eight (8) years of date of the application involving theft, dishonesty, deceit, or intoxication; or
 - e. Class A, B, or C felony convictions not defined under Tennessee Code Annotated Title 39, Chapter 17, Part 4; or
 - f. Felony convictions for which the offender must register under the Tennessee Animal Abuser Registration Act of TCA Title 40, Chapter 39, Part 1; or

- g. Felony convictions for which the offender must register under the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 of TCA Title 40, Chapter 39, Part 2 or 3.
- (2) The location of the business for which the Certificate of Compliance is being sought complies with all applicable zoning ordinances and the building complies with all building codes.
- (3) An owner of a retail liquor store or retail food store licensed to sell wine cannot be a public employee, either state, city, local or county, or hold any elected office within the municipality holding jurisdiction over the location of the business, unless the owner is an uncompensated appointee to a municipal board or commission where he has no duty to vote for, overlook or superintend the sale of alcoholic beverages.
- (4) No applicant can have any interest, either direct or indirect, in more than one (1) other retail liquor store, wholesale license, or liquor by the drink license.
- (5) For any applicant or applicants acquiring the right to purchase from an existing licensee and transferring the license to another location, that the new location is not within one thousand five hundred feet (1,500') of another location engaged in the retail sale of alcoholic spirituous beverages and is located within the same jurisdiction wherein the transferor premises was located.

Following the filing of any application, the City of Dickson, at the applicant's expense, may direct such investigation of the contents of the application as it deems proper. (Ord. #1438, Nov. 2018)

8-112. **No restrictions on number of stores.** There shall be no restriction on the number of stores for the sale of alcoholic beverages as herein defined. (1995 Code)

8-113. **Processing applications.**

- 1) Applications for renewal of license by the licensee will be processed in the same manner and under the same conditions as a new application.
- 2) Application for employee's permit to serve as an employee in the place of business of a retail liquor store under the provisions of Tennessee Code Annotated, § 57-3-204, shall submit the name of such employee to the chief of police. (1995 Code)

8-114. **Advertising.** All advertising shall comply with the City of Dickson Municipal Sign Ordinance. (Ord. #1144, May 2004)

8-115. **Certificate revoked by non-use.** Any applicant who has obtained a certificate of compliance from the mayor and a majority of the city council, as provided herein above, must within six (6) months open a store for the retail sale of alcoholic beverages to the public or said certificate of compliance will be automatically revoked by the passage of said time. A certification thereof will be forwarded immediately to the Alcoholic Beverage Commission of the State of Tennessee, and the license issued to said applicant shall be considered to have been canceled and revoked. (Ord. #1438, Nov. 2018)

8-116. **Consumption of liquor in certain places unlawful.** It shall be unlawful for any person or persons to drink whiskey, liquor, wine, and every liquid containing alcoholic spirits as defined pursuant to Tennessee Code Annotated, § 57-5-101, while riding in or driving a motor vehicle, in

a park, road, a public place, a public place being defined as any park, street, roadway, or right-of-way for same, or any private property which is used for public parking.

Where any person or persons are observed with open bottles or containers of any kind containing whiskey or any of the above defined substances, there shall be a prima facie case that the occupants of said vehicle, or the other places defined herein, have been drinking from such containers. (1995 Code, § 8-117)

8-117. Privilege tax on selling at retail alcoholic beverages for consumption on the premises. The City of Dickson, Tennessee, is authorized to collect privilege taxes from those who engage in the business of selling at retail alcoholic beverages for consumption on the premises pursuant to Tennessee Code Annotated, § 57-4-301. (1995 Code, § 8-118)

8-118. Violations and penalty. Any violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by fine in accordance with the general penalty clause for this code. In such instances, it shall be mandatory for the judge immediately to certify said conviction, whether appealed or not, directly to the Tennessee Alcoholic Beverage Commission, together with petition that all licenses be revoked, pursuant to the provisions of the Tennessee Code Annotated, §§ 57-3-101 through 57-3-412, and the rules and regulations of said commission. (Ord. #914, Nov. 1995, § 8-116)

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
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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. (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. (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;

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).

- 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. (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. (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. (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. (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 chapter;
 - 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 acknowledgment 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;
 - h) The applicant's certification that he has read and is familiar with all provisions of this chapter; and
 - i) Verification by the Office of Planning and Zoning that the applicant's location and structure comply with all zoning regulations, building codes, ordinances and statutes appropriate for the type of business to be conducted.
- 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) year from the date of the refusal. Nothing in this subsection 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. (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. (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.

- 1) 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.
- 2) Class II: Off Premises. This permit shall allow the sale of beer for consumption off the applicant's premises only, which includes adjoining sidewalks, streets and parking lots within two hundred feet (200') 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.
- 3) 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.
- 4) Class IV: Private Club Permit. This permit shall allow the sales of beer for on-premises consumption only in a chartered, members-only organization.
- 5) 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 (1) individual be offered or allowed to consume more than five (5) one (1) 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.” (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 as of December 2007 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. (Ord. #1244, Dec. 2007)

8-211. **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 eight (8) 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 Tennessee Code Annotated, title 39, chapter 17, part 2, schedules I through V, et seq.;
- 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 Tennessee Code Annotated, § 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 Tennessee Code Annotated, title 39, chapter 17, part 2, scheduled I through V, et seq.; 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 Tennessee Code Annotated, § 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 Tennessee Code Annotated, title 39, chapter

17, part 2, schedules I through V, et seq. (Ord. #1404, April 2017)

8-212. **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 felony within eight (8) years prior to the date of employment.
- 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 10:00 A.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 as defined pursuant to Tennessee Code Annotated, § 57-5-101, 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. (Ord. #1244, Dec. 2007)

8-213. **Revocation or suspension of beer permits; civil penalty in lieu of suspension.**

- 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 and is not a responsible vendor as defined in Tennessee Code Annotated, § 57-5-601, et seq. 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.
- 3) At the time it imposes a revocation or suspension, the beer board may offer a permit holder who is not a responsible vendor the alternative of paying a civil penalty to be

- paid in lieu of the suspension or revocation. It shall be the permit holder's choice to serve the suspension or pay the civil penalty.
- 4) For violations of making or allowing to be made any sale to a minor, the beer board shall impose a penalty of:
 - (a) First offense: a fourteen (14) day suspension of the beer permit or a civil penalty of one thousand dollars (\$1,000.00);
 - (b) Second offense: a thirty (30) day suspension of the beer permit or a civil penalty of two thousand dollars (\$2,000.00);
 - (c) Third offense: a forty-five (45) day suspension of the beer permit;
 - (d) Fourth offense: suspension of the beer permit for a period of one (1) year from the date of the imposition of the penalty; and
 - (e) Fifth or subsequent offense: permanent revocation of the beer permit and any relative, partner or associate of the permit holder shall not apply for a permit for the same location for a period of three (3) years.
 - 5) For violations of any other provision of this chapter, the beer board shall impose a penalty of:
 - (a) First offense: a fourteen (14) day suspension of the beer permit or a civil penalty of five hundred dollars (\$500.00);
 - (b) Second offense: a thirty (30) day suspension of the beer permit or a civil penalty of one thousand dollars (\$1,000.00)
 - (c) Third offense: a forty-five (45) day suspension of the beer permit;
 - (d) Fourth offense: suspension of the beer permit for a period of one year from the date of the imposition of the penalty; and
 - (e) Fifth or subsequent offense: permanent revocation of the beer permit and any relative, partner or associate of the permit holder shall not apply for a permit for the same location for a period of three (3) years.
 - 6) For the purpose of this section, second or subsequent offenses shall be considered as having occurred when the violation is within two (2) years of the prior offense under the same permit at the same location.
 - 7) Multiple violations of any provision of this chapter occurring on the same date shall be considered separate and subsequent offenses.
 - 8) When a suspension of the beer permit and a civil penalty are imposed, the permit holder shall pay the civil penalty in full within seven (7) calendar days from the date of imposition. If the civil penalty is not paid by the end of city business hours on the seventh (7th) day (or the following business day if the seventh (7th) day is a weekend or holiday), the suspension shall begin at 12:01 am on the date immediately after the deadline and shall be in effect until 12:01 am on the specified number of days of the suspension.
 - 9) When only a suspension of the beer permit is imposed, the suspension shall begin at 12:01 am on the eighth (8th) day following imposition and shall be in effect until 12:01 am on the specified number of days of the suspension.
 - 10) The suspension and civil penalty shall be held in abeyance if the permit holder files a notice of appeal in a court of competent jurisdiction within seven (7) days of the imposition of the penalty until such time as the appeal is completed.

8-214. Responsible Beer Vendors.

- 1) Definition. "Responsible beer 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) Beer permit holders who complete a Responsible Beer Vendor program recognized by the Tennessee Alcoholic Beverage shall be responsible for providing to the City of Dickson Recorder's Office documentation of such certification provided by the TABC and shall advise the Recorder's Office of any change in status as a Responsible Beer Vendor. Only those permit holders in good standing with the TABC shall be recognized as Responsible Beer Vendors by the City of Dickson Beer Board.
- 3) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible beer 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 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 (12) month period. The revocation shall be for three (3) years. (Ord. #1244, Dec. 2007)
- 4) Civil Penalty for Responsible Beer Vendor. The beer board may impose on a responsible beer vendor found in violation 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.
- 5) The holder has seven (7) days from the day of imposition to pay the civil penalty. Payment of the civil 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. Failure to pay the civil penalty or file an appeal in a court of competent jurisdiction within the specified time shall constitute a violation of this chapter and the permit holder shall be subject to imposition of an additional civil penalty following the procedures prescribed within this chapter.
- 6) The civil penalty shall be held in abeyance if the permit holder files a notice of appeal in a court of competent jurisdiction within seven (7) days of the imposition of the penalty until such time as the appeal is completed.

8-215. 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. (Ord. #1244, Dec. 2007)

8-216. Violations and penalty. 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. (Ord. #1244, Dec. 2007)