

TITLE 8
ALCOHOLIC BEVERAGES₁

CHAPTER

1. BEER.

CHAPTER 1

BEER₂

SECTION

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8-101. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the city council. The application shall be made on such form as the council shall prescribe and/or furnish, and pursuant to T.C.A., 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Norris. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (1972 Code, § 2-101, modified)

8-102. Classes of permits. There shall be two classes of permits issued by the city:

(1) Class A. An off premises permit, which shall be issued only to a grocery store. A "grocery store" shall be defined as a business establishment whose primary business is the sale of food purchased for consumption off premises and which needs additional preparation before it is consumed, and the sale of other products designed primarily for household use and consumption.

(2) Class B. An on premises permit, which shall be issued only to restaurants. A "restaurant" shall be defined as a business establishment whose primary business is the sale of food prepared to be consumed on premises and which needs no additional preparation before it is consumed, and in which less than twenty-five percent (25%) of its income is from the sale of beer. (1972 Code, § 2-102; replaced by Ord. #441, Jan. 1998)

8-103. Conditions prerequisite to issuance and continuance of permit. Before any applicant shall be issued a permit or allowed to continue to sell, store, or distribute beer, he shall establish that:

(1) No persons will be employed in the storage, sale, or manufacture of any such beverages except citizens of the United States.

(2) Such sale will not cause congestion of traffic or interference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety, and morals.



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(3) No sale shall be made to minors.

(4) Neither the applicant nor any persons employed by him in such distribution or sale shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years.

(5) The place from which beer is sold is a territory zoned C-1 or C-2.

(1972 Code, § 2-103, modified; amended by Ord. #441, Jan. 1998)

8-104. Suspension or revocation of permits. The city council retains full power and authority to suspend or revoke any permit, the issuance of which is herein provided for, and for this purpose is fully authorized and empowered to hear and determine complaints brought for that purpose. Except as otherwise provided in the state law, any violation of this chapter or applicable state law shall constitute sufficient grounds for the suspension or revocation of any beer permit.

Complaints brought for the purpose of suspending or revoking a beer permit shall be made in writing and filed with the city manager who shall thereupon give or cause to be given written notice, accompanied by a copy of such written complaint commanding the permittee to appear at a time and place designated in said notice before the city council to show cause why his permit should not be suspended or revoked. The notice shall be served either by registered letter or by a city policeman at least ten (10) days prior to the date of the hearing. At the hearing, which shall be public, the city council shall determine the nature and merits of the complaint and for this purpose the mayor is authorized to compel the attendance of witnesses by subpoena. After the hearing the city council may for proper cause suspend or revoke any permit issued pursuant to this chapter. (1972 Code, § 2-104)

8-105. Civil penalty in lieu of suspension. The city council may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid with that time, the revocation or suspension shall be deemed withdrawn.

8-106. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, and each successive January 1, to the City of Norris, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

8-107. Restrictions on time of sales. No beer shall be sold at any time on Sundays. In addition, no beer shall be sold before 5:00 P.M. or after 10:00



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P.M. on any other day. (Amended by Ord. #441, Jan. 1998)

