



City of Lebanon Beer Permit Application Information

Attached is the City of Lebanon Beer Permit Application. There is a \$279.00 non-refundable application fee. Applicants will need to apply for a beer permit well in advanced before they open or buy a business. This process can take up to a month. Applicants are required to have a background check before being approved. The Lebanon Police Department will conduct the background check for the applicant. The information regarding the background check is in the packet.

The City of Lebanon Beer Board meets the 3rd Wednesday of every month at 4:00pm at City Hall.

To obtain a City of Lebanon Beer Permit, you must complete the attached application, have page 4 notarized, submit a copy of the applicant's driver's license, and submit the application fee. We only accept cash or check for Beer Permits. When submitting your application, the Beer Permit Application Process Page must be signed and turned in with the application as well. That page will explain the process of the application. The application may be delivered to the Business Tax Office located at City Hall or mailed in; the address is provided below.

Once you have submitted your Beer Permit Application, please contact Guaranty Research Services Inc. at 615-466-5400 to make an appointment for your fingerprint processing.

Once the Business Tax Office has received all the approved paperwork back, you will be contacted with the date & time of the Beer Board Meeting. Applicants are required to attend the Beer Board Meeting and will be required to bring the prorated Beer Tax for the remainder of the year.

Please contact the Business Tax Office at 615-444-4905 with any questions regarding Beer Permits or the Beer Board.

**Business Tax Office
200 North Castle Heights Avenue
Lebanon, TN 37087**

For Office Use Only

Receipt No. _____

Date Received _____



Application for Beer Permit
State of Tennessee
City of Lebanon

Application for (check one):

- _____ On Premises Permit _____ Off Premises Permit _____ Catering Permit
_____ Dual Premises Permit _____ Manufacturing Permit

I hereby make this application for a permit to sell, store, manufacture, or distribute beer or other beverages authorize to be sold, stored, manufactured, or distributed under the provisions of Tennessee Code Annotated // 57-5-101 ET SEQ and base my application upon the answers of the following questions:

1. Full name of the applicant (owner):

Person ___ Firm ___ Corporation ___ Joint-Stock Co. ___ Syndicate ___
Association _____ Name of Corporation _____

If applicable, list Registered Agent of Process:

Registered Agent of Process's Address:

2. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business (attached additional sheet, if needed):

3. Purpose of Application:

_____ New _____ Name Change _____ Change of Ownership

_____ Other If other, state reason _____

4. For corporations, firms, LLCs, and all other businesses that are not sole proprietorship, list the person needed for background purpose:

*Please complete the following information for the above person listed in #4.

5. What is your present home address?

6. Please list any previous address(es) within the last 10 years:

7. Social Security Number: _____

8. Driver's License Number: _____

9. Date of Birth: _____

10. Home Telephone Number: _____

11. Business Telephone Number: _____

12. Under what name will this business operate? _____

13. Location of business by street address or other geographical description:

14. Specify the identity and address of the person to receive annual privilege tax notices and any other communication from the City of Lebanon:

15. Give name and address of the property owner, if other than the business owner:

16. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Section 57-5-103 (a) (4) within the same building? ___ Yes ___ No If so, specify number: _____ List the names of the restaurants or other businesses and describe their location (use additional sheet if necessary):

17. Give name, date of birth, social security number, driver's license number, and address of any manager other than applicant. The driver's license must begin with the state from which the license was issued:

18. Has any person having at least a 5% ownership interest, any of the managers listed in question 17, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime (other than minor traffic violations) within the last ten (10) years? _____

If so, give particulars of each charge, court, and date convicted:

19. Has this owner or the owners of the organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

___ Yes ___ No If so, specify where, when, and why:

20. Give the name and relationship to applicant (if applicable) and address of the former beer permittee at this location:

21. What is the name and address of the church (or other place of worship) nearest to your business?

21. What is the name and address of the school nearest to your business?

22. What is the name and address of the owner of the nearest residential dwelling to your business?

I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least 5% ownership interest or any person to be employed in the distribution or sale of beer in my establishment has been convicted of any violation of the beer or alcoholic beverage laws or any crimes involving moral turpitude within the past 10 years. I am also aware that I shall not be issued a permit or my permit shall be revoked if my business location causes traffic congestion or interferes with schools, churches, or other places of public gathering or otherwise interferes with public health, safety, and morals.

Signature of Applicant/Owner (or Authorized Corporate Officer)

Sworn to and subscribed before me this _____ day of _____, 20 _____

Notary Public

My Commission Expires: _____

NOTICE: A non-refundable \$279.00 fee must accompany this application. If the application is approved you are required to provide documentation of sales tax registration to the City within ten days of approval. Any Applicant making false statements in this application shall forfeit his permit and shall not be eligible to receive any permit for a period of ten years.

A privilege tax of \$100.00 is imposed on the business of selling, distributing, storing, or manufacturing beer in this state effective January 1, 1994 and each successive January 1st. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the beer permit is issued.



City of Lebanon
Police Department Report on Beer Application

Name: _____ Date of Birth: _____

Address: _____

Social Security Number: _____

Driver's License Number: _____

Telephone Number: _____

Business Location Address: _____

Information received from background check: _____

Approval _____ Disapproval _____

Reasons for Disapproval: _____

Approval of Business Location _____ Disapproval of Business Location _____

Reasons for Disapproval of location: _____

Signed: _____

Position: _____

City of Lebanon Police Department

Date: _____



City of Lebanon Beer Permit Application Location Inspection

Applicant's Name: _____

Location: _____

The office of the Building Inspection, having made an inspection of the above location on the _____ day of _____, 20____ finds that:

The building construction type is: _____.

The building consists of _____ square feet.

In the opinion of the Building Inspector, the parking is/is not adequate.

The road frontage of this location is _____ feet on _____ street (and _____ feet on _____ street, if a corner location).

The nearest church or school is _____.

The distance measured in a straight line from the front door of the building to the church or school is _____ feet, in a radius of _____ degrees.

The property is zoned _____.

Adjoining property owners are as follows: _____

Property does/does not adjoin a school or church. Provide name of church or school if it does adjoin: _____

Approval of location: _____ Disapproval of location: _____

Reasons for disapproval are as follows: _____

Date: _____

Signed: _____

Building Inspector

The City of Lebanon is using the following language for enforcing the legal residency requirement of the new State law regarding the requirement of 1 year of U.S. citizenship for qualifying to apply for a beer permit:

“All individuals holding at least a five percent (5%) ownership interest in the applicant must present proof that they have been citizens or lawful residents of the United States for not less than one (1) year immediately proceeding the date upon which application is made to the City Recorder. Applicants may satisfy this requirement by presenting any of the following official documents for inspection by the City Recorder: (1) a U.S. Passport or Passport Card; (2) a permanent resident card (“green card”); or (3) a birth certificate issued by: (a) the United States Government; or (b) the government of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States. This requirement shall not apply where no individual holds at least five percent (5%) ownership interest in the applicant.”

The threshold of a 5% ownership interest was used because that is the same threshold that triggers the requirements that an individual be listed on the permit application and that such individuals not have engaged in any prohibited criminal activity in the previous 10 years.

July 2015



LEBANON POLICE

www.lebanonpd.org

MIKE JUSTICE, CHIEF OF POLICE
1017 Sparta Pike
Lebanon, Tennessee 37087
(615)444-2323
FAX (615)443-3960

RICK BELL, MAYOR
200 Castle Heights Avenue North
Suite 100
Lebanon, Tennessee 37087

To: All Beer Permit Applicants
From: Chief Mike Justice
RE: Fingerprint Processing Options

The City of Lebanon Police Department has been issued ORI/TN920772Z to use in processing Beer Permit applicants pursuant to TCA, Section 57-5-103.

Applicants have two easy ways to register for fingerprint processing with Identogo.

On-line Registration

Available 24 hours a day, 7 days a week.

1. Go to www.identogo.com and choose Tennessee
2. Select Digital Fingerprinting
3. Select "For New Appointments"
4. Choose Agency Name - OTHER
5. Choose Applicant Type - BEER PERMITS
6. Enter ORI number and the rest should be fairly straight forward

Call Center Registration

Available Monday-Friday, 8am-430pm CST

1. Call (855) 226-2937 and speak to a representative
2. Be sure to have your Agency Information or ORI number handy when calling.
3. Representatives will collect required information and complete your registration.

The local location available to process these requests is:

Guaranty Research Services Inc.
1020 N. Castle Heights Ave.
Lebanon, TN 37087
(615) 466-5400

M-F 8:00 am – 5:00 pm



A Tennessee Accredited Law Enforcement Agency

APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose, you have certain rights which are discussed below.

- You must be provided with written notification that your fingerprints will be used to check the criminal history records of the FBI. **This document shall be considered your written notice.*
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. **See attached Privacy Act Statement.*
- If you have a criminal history record, the officials making the determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34 **See attached*
- Officials should not deny the employment, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record. **Applicants must contact the agency to notify them of their intent to challenge the results of the record and then follow the instructions listed under Title 28 CFR 16.34.*

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council. **See 5 U.S.C. 55da(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d)*

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for your review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to: <https://www.fbi.gov/service/cjis/identity-history-summary-checks> **Our agency does not permit a copy of the FBI criminal history record to be released for your review.*

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)



Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any system(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).



Title 28 CFR 16.34

§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

NOTE: The application will remain in pending status until the applicant is able to complete this process. If the applicant chooses, the application can be withdrawn if the outcome is not what they had anticipated.



Certification of Identity



FORM APPROVED OMB NO.
1103-0016 EXPIRES 05/31/2020

Privacy Act Statement. In accordance with 28 CFR Section 16 41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ _____

Citizenship Status ² _____ Social Security Number ³ _____

Current Address _____

Date of Birth _____ Place of Birth _____

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person. Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

_____ **Print or Type Name**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ _____ Date

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.





PRIVACY POLICY ACKNOWLEDGEMENT FORM

I acknowledge that I have received a copy of the Applicant's Privacy Rights and the Privacy Act Statement as a part of my Beer Permit application with the City of Lebanon pursuant to TCA, Section 57-5-103. *This acknowledgment form will be retained for audit purposes.*

I understand and agree that it will be my responsibility to read the attached documentation and if I decide to challenge the accuracy or completeness of the results obtained during this fingerprint process I will refer to Title 28 CFR 16.30 through 16.34 as outlined in this documentation.

Applicant Name (Printed)

Applicant Signature

Date





Beer Permit Application Process

Before applying for a City of Lebanon Beer Permit, you will need to have the following:

- Beer Permit Application Completed and Notarized
- Copy of Driver's License
- Beer Permit Application Fee- \$279.00 (We accept cash or check only)

Signature of who turned in Application: _____

Date that the Application was turned in: _____

Once you have turned in the application to the Business Tax Office, you will need to set up a time with Guaranty Research Services Inc to have your fingerprints processed. They are located at 1020 North Castle Heights Avenue and their phone number is 615-466-5400. The instructions on the background check are on the front page of the Beer Application, along with the ORI number, that you will need for your fingerprints. Once your fingerprints have been processed, Guaranty Research will send them to the Lebanon Police Department.

Once the Business Tax Office receives the paperwork back from the Lebanon Police Department and Building Inspection Department, we will add your application to the next Beer Board Agenda.

Please make note that the Beer Board Meeting has to be published in the local newspaper **10 days before the Meeting.** The quicker that you can get your fingerprints processed, the quicker the Beer Permit Application will go. Please allow at least a month to obtain a Beer Permit.

I have read and understood the steps that are required to obtain a City of Lebanon Beer Permit. I understand that a Beer Permit is required to sell Beer inside the City of Lebanon.

Print Name: _____

Business Name: _____

Signature: _____

Date: _____

Tenn. Code Ann. § 57-5-103

57-5-103. Permit from county or city required — Online sale for curbside pickup —
Classification of counties — Purchases of beer "for resale."

(a)

(1) It is unlawful to operate any business engaged in the sale, distribution, manufacture, or storage of beer without a permit issued by the county or city where such business is located under the authority herein delegated to counties and cities.

(2) Permits shall be issued to the owner of the business or other entity responsible for the premises for which the permit is sought, whether a person, firm, corporation, joint-stock company, syndicate, association, or local governmental entity where the governing body has authorized such sales of beer.

(3) A permit shall be valid:

(A) Only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner;

(B) Only for a single location, except as provided in subdivision (a)(4), and cannot be transferred to another location. A permit shall be 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 and that are operated by the business; and

(C) Only for a business operating under the name identified in the permit application.

(4) Where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may in the owner's discretion operate some or all such businesses pursuant to the same permit.

(5) A business can sell beer for both on-premises and off-premises consumption at the same location pursuant to one (1) permit.

(6) A permit holder must return a permit to the county or city that issued it 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, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name.

(7) In the case of beer wholesalers, as defined in § 57-6-102, no county or city shall require a permit from a wholesaler unless such wholesaler operates a warehouse in such county or city.

(8) Any person, firm, corporation, joint-stock company, syndicate, or association engaged in the sale, distribution, or manufacture of beer without the permit required by this part commits a Class A misdemeanor.

(9) Nothing in this chapter shall be construed as granting counties or cities the authority to require the periodic renewal of beer permits.

(10) After July 1, 2015, a city or county shall not issue a permit under this chapter unless the applicant has been a citizen or lawful resident of the United States for not less than one (1) year immediately preceding the date upon which the application is made to the city or county.

(11) A permit holder may sell beer online for curbside pickup at the permit holder's location. Purchased beer must be delivered to the customer's vehicle, and the vehicle must be located within a paved parking area adjacent to the place of business. Beer sold through an online curbside pickup service must be pulled from the inventory located at the permitted location of the retailer providing the service and may not be pulled from the inventory of another retailer or permitted location. Any employee bringing beer to a vehicle for online curbside pickup must confirm the individual receiving the beer is at least twenty-one (21) years of age.

(b) For the purpose of licensing, regulating and controlling the transportation, storage, sale, distribution, possession, receipt and/or manufacture of beer pursuant to this chapter, the counties of the state shall be classified in two (2) categories, one (1) of which is hereby designated Class A counties consisting of those counties not governed by metropolitan governments as defined in § 7-2-

101, and the other category is hereby designated Class B counties consisting of those counties governed by metropolitan governments as defined in § 7-2-101.

(c) When either "county" or "counties" is used in this chapter, it means counties generally without reference to the classification of counties provided for in this section, and the use of "county" or "counties" shall cause the provision limited by the word "county" or "counties" to apply equally to Class A counties and to Class B counties. When "county legislative body" or "county legislative bodies" is used in this chapter, it means "metropolitan council" or "metropolitan councils" when applicable to Class B counties.

(d)

(1) It is unlawful for any person to sell, distribute or manufacture beer without having a valid certificate indicating that purchases of beer by that person are "for resale" as that term is used in § 67-6-102(75)(A).

(2) Within ten (10) days after being issued a permit to sell, distribute or manufacture beer, a person shall file with the county or city issuing the permit and with each person from whom the person buys beer a copy of a valid certificate indicating that the purchases of beer are "for resale" as that term is used in § 67-6-102(75)(A), and shall subsequently maintain at all times a valid resale certificate on file with the county or city issuing the permit and with each person from whom the person buys beer.

(e) A city or county is authorized to seek criminal history background or fingerprint checks on applicants. Criminal background checks may include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The Tennessee bureau of investigation is authorized to assess fees for the searches in accordance with the fee schedule established by the bureaus.

(f) Notwithstanding any law to the contrary, no city or county shall deny the issuance or renewal of a permit upon the basis that the lease between the business and its municipal landlord includes a provision whereby gross sales, which may include or exclude liquor sales, are considered in the determination of a percentage rent or other rent calculation provision.

History

Acts 1933, ch. 69, § 9c; C. Supp. 1950, § 1191.12; Acts 1963, ch. 76, § 1; 1965, ch. 321, § 1; 1974, ch. 478, § 2; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 57-204; Acts 1983, ch. 386, § 1; 1987, ch. 254, § 1; 1991, ch. 424, § 1; 1993, ch. 297, § 4; T.C.A., § 57-5-104; Acts 1996, ch. 641, § 2; 2009, ch. 314, § 1; 2010, ch. 1002, § 1; 2014, ch. 754, § 1; 2015, ch. 29, § 1; 2018, ch. 944, § 3; 2019, ch. 377, § 3; 2020, ch. 704, § 1.

TENNESSEE CODE ANNOTATED

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SENATE BILL 185

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 57,
Chapter 5, relative to restrictions on the issuance
of beer permits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-5-103(a), is amended by adding
the following language as a new, appropriately designated subdivision:

() After July 1, 2015, a city or county shall not issue a permit under this chapter
unless the applicant has been a lawful citizen or resident of the United States for not less
than one (1) year immediately preceding the date upon which the application is made to
the city or county.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.

CHAPTER 2

BEER

SECTION

- 8-201. Scope of chapter.
- 8-202. Beer board membership, organization, meetings, and quorum.
- 8-203. Issuance of beer license authorized.
- 8-204. Applications for and issuance of permits; record of permits issued; investigation of applications.
- 8-205. Location restrictions for beer permits.
- 8-206. Revocation and suspension of beer permits.
- 8-207. Revocation of permits for false statements in application.
- 8-208. Restrictions on issuance of permit to applicant who has had permit revoked.
- 8-209. Restrictions of issuance of permit at same location after revocation.
- 8-210. License fee forfeited upon revocation of permit.
- 8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required.
- 8-212. Beer permit to be posted.
- 8-213. Premises subject to inspection.
- 8-214. Unlawful to engage in beer business without paying license fee and obtaining a permit.
- 8-215. License and permit to be posted.
- 8-216. Brewers and wholesalers prohibited from having interest in retail business.
- 8-217. Regulation of beer sales.
- 8-218. Penalties.
- 8-219. Severability.

8-201. Scope of chapter. This chapter shall govern the storage, transportation, sale, distribution, possession, receipt and/or manufacture of beer of alcoholic content of not more than eight percent (8%) by weight, or any other beverage of like alcoholic content in the City of Lebanon. In this chapter "beer" shall mean and include beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine.

Nothing in this chapter regulates the transportation, storage, sale, distribution, possession or receipt of or tax upon any beverage of alcoholic content of eight percent (8%) by weight, or more and no ordinance related thereto

¹Ord. 91-835 upon which the chapter is based repealed in its entirety chapter 2, title 2 of the 1968 municipal code, as amended.

is modified by this chapter. (Ord. 91-835, March 5, 1991 as replaced by Ord. #98-1854, Oct. 7, 1998)

8-202. Beer board membership, organization, meetings, and quorum. The beer board of Lebanon, Tennessee, shall consist of five (5) members, appointed by the mayor and approved by the city council, who shall hold office at the pleasure of the mayor and city council for a term of three (3) years.

Members of the beer board shall select one of their number to act as chairman. It shall be the chairman's duty to preside at meetings of the beer board. The commissioner of finance and revenue shall see that accurate and detailed records are kept of the board's proceedings.

The beer board shall hold regular meetings at such place and at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member and to the public. The board may adjourn a meeting at any time to another time and place.

At all meetings of the beer board, a majority shall constitute a quorum but the board shall act only by vote of a majority of all its members. The chairman may vote in all cases and an affirmative vote of three (3) members shall be required for any action. (Ord. 91-835, March 5, 1991 as replaced by Ord. #98-1854, Oct. 7, 1998)

8-203. Issuance of beer license authorized. The commissioner of finance and revenue shall issue a license for the transportation, storage, sale, distribution, possession, receipt, and/or manufacture of beer of an alcoholic content of not more than eight percent (8%) by weight, or any other beverage of like alcoholic content, when the applicant therefor pays the license fee as prescribed in this chapter after a beer permit has been issued in accordance with the provisions of this chapter by the beer board. (Ord. 91-835, March 5, 1991 as replaced by Ord. #98-1854, Oct. 7, 1998)

8-204. Applications for and issuance of permits; record of permits issued; investigation of applications. It shall be the duty of the commissioner of finance and revenue of Lebanon, Tennessee, to receive all applications for beer permits and licenses in Lebanon, Tennessee. It shall then be his and the beer board's duty to act in all matters regarding the same as this chapter provides.

All applications for permits shall be filed and preserved by the commissioner of finance and revenue.

No permit shall be granted by the beer board except in strict conformity with the requirements and provisions of this chapter and of Tennessee Code Annotated, § 57-5-101 et seq.

It shall be the duty of the beer board, among other things, to require all applications for permits to be made in writing and properly verified, and no permit shall be issued until the permit fee prescribed in this chapter has been paid to the city, such payment to be evidenced by the production of a receipt of the commissioner of finance and revenue stamped paid.

Each application shall set forth the following:

- (1) full name of applicant
- (2) age of applicant
- (3) residence address of the applicant, if an individual;
- (4) the full name, age, and residence address of each partner if the applicant is a partnership;
- (5) if the applicant is a corporation:
 - (a) the names and addresses of the principal officers;
 - (b) whether the corporation is organized under laws of Tennessee or of some other and what state;
 - (c) whether it is duly authorized to transact business in Tennessee; and
 - (d) the address of its principal office in this state;
- (6) place where the business is to be conducted, giving street number, or other Apt. and definite description;
- (7) the kind of permit desired, whether "manufacturer's " permit, "off-premises consumption" permit, "on-premises consumption" permit or caterer's permit;
- (8) whether the applicant will conduct business in person, or acting as agent for any other person, firm, corporation;
- (9) whether or not the applicant has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any felony or any crime involving moral turpitude within the past ten years;

Every application shall be dated and signed and shall be verified by affidavit sworn to before a notary public. The application shall be signed and verified by the applicant, if an individual, otherwise by a member of the firm, or an officer of the corporation.

Each permit shall show upon its face the correct name of the individual, corporation, incorporated club, or incorporated lodge to whom issued; the date of issuance; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit; the serial number of the permit; a statement that it is not transferable either as to the person to whom issued or the place where the business is to be conducted.

The commissioner of finance and revenue shall keep a book in which shall be entered separate lists of each class or character of permits issued by the beer board. This record shall show the serial numbers of the permits of each class; the date of issue; the name of the individual, corporation, incorporated club, or incorporated lodge, to whom issued; the place of business by street and number; the character of the permit; the purpose for which granted; the date of expiration of the permit. In the case of a partnership, the record shall show the names of the partners and the firm name and style of the partnership.

This book shall be kept up to date by the commissioner of finance and revenue and shall be a public record.

It shall be the duty of the beer board to make an investigation in the case of each written application, and to satisfy itself before granting a permit that the granting of the permit will be in strict conformity with the provisions and requirement of this chapter and with the provisions and requirements of Tennessee Code Annotated, § 57-5-101 et seq.

Pursuant to Tennessee Code Annotated, § 57-5-103(e), the mayor and the commissioner of finance and revenue are hereby authorized to take the necessary actions to enter into a contract with the Tennessee Bureau of Investigation for the purpose of running criminal history background and fingerprint checks on applicants for beer permits. Any fees charged by the TBI for the checks shall be passed on to the individual applicants. (Ord. 91-835, March 5, 1991 as replaced by Ord. #98-1854, Oct. 7, 1998, as amended by Ord. #10-3648, March 2, 2010; Ord. 19-5805, § 1, April 2, 2019; Ord. 19-5931, § 1, Nov. 5, 2019)

8-205. Location restrictions for beer permits. (1) No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a church, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one (1) or two (2) families, as determined by the distance requirements of subsection (b). This subsection shall not affect any location for which a beer permit was in effect within three hundred sixty-five days (365) of January 6, 2009, the effective date of the ordinance codified in this subsection (a) and, further, shall not affect said location thereafter so long as a beer permit is held for that location without lapse of more than three hundred sixty-five (365) days, even if there is a change of ownership of the location or the business thereon. Provided, however, the foregoing to the contrary notwithstanding, the distance requirements contained herein shall be applied to any location which has been granted a beer permit after January 6, 2009, that was not subject to a minimum distance requirement.

(2) Distances shall be measured in a straight line from the front door of the applicant's location to the front door of any church, school, day care center, nursery school, or dwelling, as determined by the door closest to the street upon which mailing addresses are determined, or, to the closest boundary of the playground of the church, school, or day care center, whichever is closest to the applicant's building. Additionally, such distances shall be measured in a straight line from the front door of the applicant's location to the closest boundary of any park.

(3) Any questions concerning the distance measurement involved may be submitted to the Lebanon Board of Zoning Appeals by either the Lebanon Beer Board or the applicant, for a determination of the correct distance requirements or to seek relief under the circumstances. (Ord. 91-835, March 5, 1991 as replaced by Ord. #98-1854, Oct. 7, 1998; Ord. #08-3477, Jan. 6, 2009)

8-206. Revocation and suspension of beer permits. Any permits or licenses issued under this chapter by the beer board may be revoked or suspended by the beer board.

Such revocation or suspension may be made for any violation of any provision of this chapter or any state or federal statute or regulation regarding the sale, possession, or manufacturing of alcoholic beverages or whenever it shall satisfactorily appear that the premises of any person, firm or corporation holding a permit or license under this chapter are being maintained and operated in such manner as to be detrimental to public health, safety and morals.

No permit or license shall be revoked on the grounds the operator or any

person working for him sells beer to minors over the age of eighteen (18) years if such minor exhibits an identification, false or otherwise, indicating his age to be twenty-one (21) or over, if his appearance as to maturity is such that he might reasonably be presumed to be of such age and is unknown to such person making the sale. The license or permit may be suspended for a period not to exceed ten (10) days. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-207. Revocation of permits for false statements in application.¹

The making of any false statement by an applicant for a permit in his application shall be sufficient ground, reason, and cause for the revocation of the permit issued to him by the beer board. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-208. Restrictions on issuance of permit to applicant who has had permit revoked. No holder of a permit whose permit has been revoked by the beer board for any false statement made in his application shall be eligible to be granted another permit within ten (10) years from such revocation.

The holder of a permit whose permit has been revoked by the beer board for some ground, cause, or reason other than the making of a false statement in his application, may be granted another permit by the beer board after the lapse of two (2) years from the revocation of the first permit. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-209. Restrictions on issuance of permit at same location after revocation. Where a permit or license is revoked, no new license or permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date the revocation becomes final and effective, except the board, in its discretion, may determine that issuance of a license or permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such permit is not the original holder of the license or any family member who could inherit from such individual under the statute of intestate succession. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-210. License fee forfeited upon revocation of permit. No claim shall be made for refund of any part of a license fee paid by the holder of permit issued by the beer board, nor shall any right to a refund of any part of such license fee accrue to such holder, upon the revocation of such permit by the beer board. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-211. Classes of permits; prohibitions against issuing permits for certain places or to certain applicants; bond required. (1) There shall be four (4) classes or kinds of permits issuable by the beer board, as follows:

(a) Manufacturer's permit. A manufacturer's permit to a manufacturer of beer, for the manufacture, possession, storage, sale, distribution, and transportation of the product of the manufacturer which product may be consumed upon the premises of the manufacturer

¹ Tenn. Code Ann. § 57-5-105(d)

to the extent permitted by state law of general application or sold for off premises consumption. A manufacturer's permit may also include the on-premises consumption of other beers manufactured by different companies and at different locations to the extent as permitted by state law. A manufacturer of beer may maintain a manufacturer's tap room for the purpose of selling beer for consumption on or off premises with a manufacturer's permit. A manufacturer's permit is subject to the limitations and restrictions set forth pursuant to all state regulations and specially those set out at TCA 57-5-101 et. seq. Only one permit is required under a manufacturer's permit for the manufacturer of beer as well as on premises and off premises consumption of beer.

(b) An "off premises consumption" permit to a wholesaler, dealer, or agent of a manufacturer, or to a person, partnership, corporation conducting a lawful business and paying privilege taxes for the conduct of the lawful business, for the receipt, possession, storage, sale, distribution, and transportation of beer of an alcoholic content of not more than eight percent (8%) by weight, or of any other beverage of like alcoholic content, not to be consumed by the purchaser upon or near the premises of the permittee.

(c) An "on premises consumption" permit to an individual, corporation, incorporated club, incorporated lodge, or association for the receipt, possession, storage, and sale at retail of beer of an alcoholic content of not more than eight percent (8%) by weight, or of any other beverage of like alcoholic content, to be consumed by the purchaser and/or his guests upon the premises of the permittee.

(d) A caterer's permit to a person who holds a valid caterer license from the state alcoholic beverage commission for sale and consumption of wine and other alcoholic beverages pursuant to chapter 4 of title 57 of the T.C.A. (T.C.A. § 57-4-101 et seq.). Should the caterer's permit cease to hold a valid caterer license from the state alcoholic beverage commission, such caterer's permit shall be automatically deemed revoked by the board. All caterer's permit holders shall be required to give advanced written notice to the beer board office via facsimile, email, or U.S. mail, not later than one business day prior to each event for which beer will be sold and consumed. Such notice shall include, but not be limited to, the date, time, and location of the event. No caterer's permit shall be valid for the sale and consumption of beer on any premises within one hundred feet from a church or a school or its playground, unless the catered event is sponsored and held by the church or private school for the benefit of said church or school.

(2) The operator of a regularly conducted hotel, to whom an "on premises consumption" permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to persons in rooms of the regularly conducted hotel.

(3) Any regularly incorporated club or lodge, to whom an "on premises consumption" permit is issued by the beer board, may lawfully sell and serve beer or other such beverage to members and guests of the members within the house or building of the club or lodge.

(4) To be issued a beer permit for a special event, the following conditions must be met:

(a) Special event beer permits allowing the temporary sale of beer shall be limited to two such permits in a calendar year for any applicant and shall be issued in the discretion of the Beer Board after consideration of any issue of public safety, including, but not limited to, traffic, security, ability of the applicant to abide by all City and State alcohol laws, and crowd control.

(b) Special event beer permits shall not exceed 30 days duration and are subject to the limitations on the days and hours of sale imposed by law.

(c) No special event beer permit shall be issued for the sale of beer on public property unless the applicant is a bona fide charitable or nonprofit organization, as defined by T.C.A. § 57-4-102(4) or a bona fide political organization, as defined by T.C.A. § 57-4-102(5). Such applicants for special event beer permits for public property must provide written notice from the benefitted entity to the Beer Board confirming its involvement in the special event, as well as documentation of the benefitted entity's status as a bona fide charitable or nonprofit organization or as a bona fide political organization, as previously defined. Such public property eligible to receive a special event permit shall be limited to the Lebanon Square and the Lebanon Square's associated parking areas, including the "old courthouse parking lot." No special event permits shall be issued for events in/on any City park, recreational facility or area, walking trail, athletic fields, or other City-owned property.

(d) No beer shall be distributed or sold in glass containers for any event issued a special event beer permit for public property.

(e) The fee for each special event beer permit shall be \$100.00.

(f) Any charitable, nonprofit, or political organization as herein defined issued a special event beer permit for an event taking place on public property may purchase their beer for sale or distribution from a state licensed distributor for the event or may partner with a local business holding a current and valid beer permit issued by the Lebanon Beer Board for distribution of beer at the event site during the event for which the charitable, nonprofit, or political organization received the special event permit.

(g) No special event beer permit shall be issued to any applicant that has been previously found to have violated any of the alcohol ordinances or laws of the City or the state or that is less than 21 years of age.

(h) Issuance of a special event beer permit shall be subject to the same rules and regulations as issuance of any on- or off-premises consumption permit. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998; Ord. No. 16-5190, § 1, March 17, 2016; Ord. No. 19-5805, §§ 2, 3,

April 2, 2019; Ord. # 22-6453, § 1, May 17, 2022; Ord. # 22-6494, § 1, July 5, 2022)

8-212. Beer permit to be posted. The beer permit shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted. No person shall engage in the manufacture or sale of beer within the city limits of Lebanon, Tennessee, without obtaining a permit as herein provided. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-213. Premises subject to inspection. The place of business and premises of the holder of any permit issued by the beer board shall be open to inspection and investigation by any police officer of Lebanon, Tennessee, at any time the place is open for business. Any refusal by the holder of a permit or by his agents, servants, or employees to permit any police officer to enter upon, inspect, and investigate any house, building, room, or rooms wherein business authorized by any permit issued by the beer board is conducted, within the hours that such house, building, room, or rooms are open for business, shall be grounds for suspension or revocation of the holder's beer permit. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-214. Unlawful to engage in beer business without paying license fee and obtaining a permit. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for any person, partnership, corporation, association, incorporated club, or incorporated lodge to manufacture, possess, store, receive, sell, distribute, or transport any beer of an alcoholic content of not more than eight percent (8%) by weight, or any other beverage of like alcoholic content, within the corporate limits of Lebanon, Tennessee, without having first paid the license fee prescribed in this chapter and without first having obtained a permit issued by the beer board. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-215. License and permit to be posted. The privilege license issued by the commissioner of finance and revenue, showing the payment of the license fee, and the permit issued by the beer board shall be conspicuously posted in the house, building, room, or place where the business authorized by the permit is conducted. (Ord. 91-835, March 5, 1991; Ord. #98-1854, Oct. 7, 1998)

8-216. Brewers and wholesalers prohibited from having interest in retail business. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for any brewer or any wholesaler of any beer of an alcoholic content of not more than eight percent (8%) by weight, or of any other beverage of like alcoholic content, or the agent or agents of any such brewer or wholesaler, to make any loan to, or furnish any fixtures of any kind to, or have any interest, direct or indirect, in the business of, or in the premises occupied by, any retailer holding a permit issued by the beer board. (Ord. 91-835; March 5, 1991)

8-217. Regulation of beer sales.

(1) No permittee or his agent or employee shall:

(a) sell and/or serve or give to any minor in the place of business of such permittee, at any time, any beer of an alcoholic content of not more than eight percent (8%) by weight, or any other beverage of like alcoholic content.

(b) sell or permit the selling of beer to any person who is in an intoxicated condition.

(c) permit or allow any agent, servant, employee, or other person engaged in the operation or management of any business place so selling beer to drink any intoxicating beverages, liquor, wine, ale, or beer while so engaged.

(2) Hours of sale. "On-premises consumption" permittees shall not sell beer between the hours of two o'clock A.M. (2:00 A.M.) and eight o'clock A.M. (8:00 A.M.) Monday through Saturday nor between the hours of two o'clock A.M. (2:00 A.M.) and ten o'clock A.M. (10:00 A.M.) on Sunday. No such beverage shall be consumed, or opened for consumption, on or about any premises licensed hereunder, in either bottle, glass, or other container, after two fifteen o'clock A.M. (2:15 A.M.).

"Off-premises consumption" permittees shall not sell beer between the hours of two o'clock A.M. (2:00 A.M.) and six o'clock A.M. (6:00 A.M.) Monday through Saturday and from two o'clock A.M. (2:00 A.M.) and ten o'clock A.M. (10:00 A.M.) on Sunday.

(3) "On premises consumption" permittees not to allow beer to be furnished to minors. It shall be unlawful for any such holder of an "on premises consumption" permit, or any agent, servant, or employee of such holder to sell and/or serve, or to give to any person under twenty-one (21) years of age or allow any patron or other person to furnish to any person under twenty-one (21) years of age in the place of business of such holder, at any time, any beer of an alcoholic content of not more than eight percent (8%) by weight or any other beverage of like alcoholic content.

(4) Permittees not to employ minors or persons convicted of certain offenses. It shall be unlawful and a misdemeanor, punishable under the general penalty clause for this code, for the holder of any kind of permit issued by the beer board to employ in the sale and distribution of any beer an alcoholic content of not more than eight percent (8%) by weight or any other beverage of like alcoholic content, any minor under the age of 18 or any person who has been convicted of any violation of laws against possession, sale, manufacture, or transportation of intoxicating liquor or of any crime involving moral turpitude within the past ten (10) years.

(5) Deleted by ordinance for the purpose of allowing dual premises permits.

(6) Deleted by ordinance for the purpose of allowing dual premises permits.

(7) Deleted by ordinance for the purpose of allowing dual premises permits.

8-218. Penalties.

- (1) Any violation of this chapter shall:
 - (a) Be subject to prosecution in the Lebanon City Court as a Class C misdemeanor.
 - (b) Be grounds for denial, suspension or revocation of an application or beer permit.
 - (c) Be subject to prosecution under appropriate state or federal jurisdiction if state or federal laws are violated.
- (2) Separate offense. Each day a violation continues shall constitute a separate offense.
- (3) Revocation/suspension. Based upon the nature and the severity of any violation or non-compliance with the provisions set forth herein, and other applicable statutes and law, the Lebanon City Beer Board shall after a full and fair hearing:
 - (a) Deny applicant's request for a beer permit.
 - (b) Suspend a permittee's license for a specified period of time not to exceed ninety (90) days.
 - (c) Revoke a permittee's license beer permit for a period not to exceed ten (10) years.
- (4) Appeal. Any such action by the beer board shall be final and appealable only as provided by state law. No appeal from any action of the Lebanon Beer Board shall lie to either the Lebanon City Court nor to the Lebanon City Council. (As added by Ord. #98-1854, Oct. 7, 1998)

8-219. Severability. The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this chapter shall remain in full force and effect, it being the intent now declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included therein. (As added by Ord. #98-1854, Oct. 7, 1998)