

ORDINANCE 23-20

AN ORDINANCE OF THE CITY OF WHITE HOUSE, TENNESSEE AMENDING THE MUNICIPAL CODE TITLE 8, CHAPTER 1 INTOXICATING LIQUORS SECTION 8-103 AND CHAPTER 2 BEER SECTIONS 8-207 AND 8-208.

WHEREAS, the Board of Mayor and Aldermen desire to update the Municipal Code regarding intoxicating liquors and beer permits;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen that the White House Municipal Code Title 8, Chapter 1 INTOXICATING LIQUORS and Chapter 2 BEER be revised from the Municipal Code as follows:

TITLE VIII: ALCOHOLIC BEVERAGES
CHAPTER 1: INTOXICATING LIQUORS
AMENDING SECTION: 8-103

8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

- (1) Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of White House General Fund to be paid annually) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of White House on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #08-28, Jan. 2009, and amended by Ord. #14-04, March 2014)
- (2) No tax authorized or imposed by this section shall be levied or assessed from any charitable, non-profit, or political organization selling alcoholic beverages at retail pursuant to a special occasion license. (57-4-301(e))

TITLE VIII: ALCOHOLIC BEVERAGES
CHAPTER 2: BEER
AMENDING SECTIONS: 8-207 AND 8-208

8-207. 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 beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), 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 White House. A charitable, non-profit, or political organization based in the city shall be exempt from this fee. 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. Pursuant to Tennessee Code Annotated, § 57-5-103 the city shall not issue a permit 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.

8-208. Classes of permits. ~~Four (4) classes of p~~ Permits may be issued, by the beer board as follows:

- (1) A manufacture's or distributor's permit to a manufacturer of beer for the manufacture, possession, storage, sale, distribution and transportation of the product of such manufacture, not to be consumed by the purchaser upon or near the premises of such manufacturer. A manufacturer of beer is defined as one who employs a minimum of twenty-five (25) full-time employees in the manufacture of beer.
- (2) An "off-premises" permit to any person of legal organization engaged in the sale of such beverages where they are not to be consumed by the purchaser or other persons upon or near the premises of such seller. Drive in beer sales are authorized for off-site permit holders only. "Off-premises" permit holders shall be permitted to sell beer on a twenty-four (24) hour basis, seven (7) days a week.

(3) An "on-premises" Restaurant Permit to any person or legal organization engaged in the operation of a restaurant wherein the sale of beer is for consumption on the premises. A restaurant is defined as a business establishment whose primary business is the sale of prepared food to be consumed on the premises and less than forty percent (40%) of its income is from the sale of beer. For the purposes of this chapter, the term "on-premises consumption" shall mean consumption within the building or on any decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building for which the license is issued, except if this license is held by the proprietor of a golf course. For proprietors of golf courses, on-premises shall mean within the building or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. However, no consumption shall be permitted on any parking lot. Where on-premises consumption is permitted on a golf course, beer may be purchased either at the restaurant or from a beverage cart. Any "on-premises" permit holder shall follow the hours of sale for intoxicating liquors. No "on-premises" beer permit holder shall sell or give away beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and twelve o'clock noon (12:00 P.M.) on Sundays. Requirements include:

- (A) a public place kept, used, maintained, and held out to the public as a place where meals are actually and regularly served. Including inside the building or on any deck, patios, and other outdoor serving areas that are contiguous to the exterior of the building for which the permit is issued,
- (B) sleeping accommodation is not provided.
- (C) supplied with adequate and sanitary kitchen and dining room equipment,
- (D) seating capacity of at least forty (40) at tables,
- (E) more than fifty percent (50%) of the gross revenue of the restaurant is generated from serving meals.
- (F) No "on-premises" beer permit holder shall sell or give away beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 10:00 A.M. on Sundays.

(4) A special event permit may be issued by the beer board on a case by case basis to bona fide charitable nonprofit or political organizations for a specific date and time. It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It is likewise unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board.

- (a) The beer board is authorized to issue special event permits to bona fide charitable, nonprofit or political organizations for special events, as defined in Tennessee Code Annotated, § 57-4-102, subject to the approval of the appropriate governmental authority charged with the management of such publicly owned property.
- (b) The special event permit shall not be issued for longer than one (1) forty-eight (48) hour period unless otherwise specified, subject to the limitations on the hours of sale imposed by law. The application for the special event permit shall state whether the applicant is a charitable, nonprofit or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the license.
- (c) No charitable, nonprofit or political organization possessing a special event permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- (d) The caterer shall furnish to the city administration office a copy of their valid catering license issued by the Tennessee Alcoholic Beverage Commission, no later than five (5) days prior to the event.
- (e) All special event permittees shall construct a temporary fence enclosing the area that beer shall be stored, sold, and/or consumed.
- (f) Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of White House will result in a denial of a special event beer permit for the sale of beer for a period of one (1) year.

(4) An "on-premises" Limited-Service Restaurant Permit to any person or legal organization engaged in the operation of a restaurant wherein in the sale of beer is for consumption on the premises. Including inside the building or on any deck, patios, and other outdoor serving areas that are contiguous to the exterior of the building for which the permit is issued. Requirements include:

- (A) a public place which has a seating capacity for at least forty (40) at tables that is kept, used, maintained, advertised, and held out to the public as a place where during regular hours of operation:
 - (a) alcoholic beverages are served to patrons

- (b) a menu of prepared food is made available to patrons
- (c) the gross revenue from the sale of prepared food is fifty percent (50%) or less.
- (d) the business will comply with the requirements of TCA 57-4-204 (prohibited sexual or pornographic conduct)
- (e) sleeping accommodations are not provided
- (f) provide a security action plan that adequately provides for public safety
- (g) No "on-premises" beer permit holder shall sell or give away beer between the hours of 3:00 A.M. and 8:00 A.M. on weekdays, or between the hours of 3:00 A.M. and 10:00 A.M. on Sundays.

(5) A Special Occasion Permit to any bona fide charitable, nonprofit, or political organization that intends to host events where beer will be sold within the City.

- (A) All proceeds from the sale of beer at the event must be directly deposited into the monetary account(s) of the non-profit permitted. Such proceeds may not be deposited into accounts owned by any third party.
- (B) Applicants must submit a letter of permission from the owner of the premises where the event is to be held. Such a letter should be issued to the bona fide charitable organization that has applied for the permit.
- (C) No charitable organization shall be eligible to receive more than sixteen (16) special occasion permits in a calendar year.
- (D) A special occasion permitted organization may receive donated beer or purchase beer at retail but may not purchase beer at wholesale.
- (E) Any entity holding a special occasion permit, its employees, or members of the permitted organization may transport beer to the location for which the special occasion permit is issued.
- (F) Special occasion permitted organizations shall be responsible for complying with all state statutes, rules and regulations related to the sale of beer such as the prohibition of sale to minors and visibly intoxicated persons.
- (G) Beer cannot be sold or consumed between 3:00 A.M. and 8:00 A.M. on weekdays and 3:00 A.M. and 10:00 A.M. on Sundays.

(6) A Festival Permit allows a for-profit business or their third-party contractor to sell beer for consumption on the premises of a festival event for a period of up to seven days.

- (A) The premises on which beer will be served, sold, dispensed, or consumed must be sufficiently designated, enclosed, secured, and maintained.
- (B) Adequate security for the festival must be provided.
- (C) The number and location of each point of sale in which beer will be served, sold, dispensed, or consumed must be specified. If the operator of any such sale, including any entity that receives any portion of the proceeds of the sale of beer from that point of sale, is different from the festival operator, the name and relevant information of such other operator must be specified on the application to the beer board, and the beer board may determine that such other operator is required to obtain an additional festival operator permit.
- (D) The staff selling, serving, or dispensing beer must be adequately trained and supervised in the service of beer and on the applicable laws regarding such service. All servers must have on their person either a valid TABC server permit card or proof of completion of a TABC approved training course.
- (E) Beer cannot be sold or consumed between 3:00 A.M. and 8:00 A.M. on weekdays and 3:00 A.M. and 10:00 A.M. on Sundays.
- (F) Festival permitted organizations shall be responsible for complying with all state statutes, rules and regulations related to the sale of alcoholic beverages such as the prohibition of sale to minors and visibly intoxicated persons.

(7) A hotel-motel permit allows the selling of beer in a hotel-motel within the city for consumption on-premises.

- (A) the building is kept, used, maintained, advertised, and held out to the public to be a place where food is served and consumed. Sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential.

- (B) the hotel-motel must have twenty (20) or more rooms for the sleeping accommodation of guests.
(C) the hotel-motel must have one (1) or more public dining rooms with adequate seating capacity of at least fifty (50) tables.
(D) sleeping accommodation and dining rooms must be in the same building, separate building or structure used in connection therewith on the same premises and must be a part of the hotel operations.

(8) A caterer permit allows the permitted to sell beer at various locations in the city for on-premises consumption.

(A) a caterer operates a permanent catering hall on an exclusive basis.

(B) a caterer has a complete and adequate commercial kitchen facility.

(C) a caterer is licensed as a caterer by the Tennessee Department of Health, unless the catering hall is licensed as a restaurant.

(D) a caterer must provide food at the event. No caterer can provide only beer.

(9) A Golf course permit allows the proprietor of a golf course to sell beer on premises to include within the clubhouse and/or restaurant or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. Where on-premises consumption is permitted on a golf course, beer may be purchased at the clubhouse, restaurant, or from a beverage cart. Beer cannot be sold or consumed between 3:00 A.M. and 8:00 A.M. on weekdays and 3:00 A.M. and 10:00 A.M. on Sundays.

This ordinance shall become effective upon its final reading and adoption by the Board of Mayor and Aldermen, and publication, the public welfare requiring it.

First Reading: December 14, 2024 APPROVED

Second Reading: January 18, 2024 APPROVED



John Corbitt, Mayor

ATTEST:



Derek Watson, City Recorder