

5/23/2024

MEMORANDUM

To: Beer Board Members
Gerald Herman, City Administrator
Pat Brady, Police Chief
Jason Barnes, Finance Director

From: Derek Watson, City Recorder

Re: Meeting of the Beer Board

Please find attached an agenda for the next meeting of the City of White House Beer Board. The meeting is scheduled for Tuesday, June 4th, 2024, at 7:00 p.m. in the Board Room at the Billy S. Hobbs Community Center located at 105D College Street.

If you will be *unable* to attend, please call me at 672-4350 option 4 to let me know. Please do not hesitate to call me at if you have any questions.

copy: The Hole
7-Eleven

CITY OF WHITE HOUSE
Beer Board Meeting
Agenda
June 4, 2024
7:00 p.m.

1. Call to Order
2. Roll Call
3. Adoption of the Agenda
4. Approval of Minutes for the April 2nd Beer Board meeting
5. Public Hearing
 - A. None
6. Reports
 - A. None
7. New Business
 - A. Consideration of an on-premises limited-service restaurant beer license application for The Hole located at 2952 Hwy 31W.
 - B. Consideration of an off-premises beer license application for 7-Eleven Store #42267H located at 1002 Hwy 76.
8. Adjournment

CITY OF WHITE HOUSE
Beer Board Meeting
Minutes
April 2, 2024
7:00 p.m.

1. Call to Order

Meeting was called to order at 7:00pm by Chairman Kellye White.

2. Roll Call

Chairman White – Present; John Currie – Present; Gary Faust – Present; Scott Smith – Present; Ald. Jana Spicer – Present; **Quorum – Present.**

3. Adoption of the Agenda

Motion was made by Mr. Currie, second by Mr. Faust to adopt the agenda. A voice vote was called for with all members voting aye. **Agenda was adopted.**

4. Approval of Minutes for the December 7, 2023, Beer Board meeting

Motion was made by Mr. Currie, second by Mr. Faust to approve the minutes. A voice vote was called for with all members voting aye. **December 7, 2023 minutes were approved.**

5. Public Hearing

A. None

6. Reports

A. None

7. New Business

A. Consideration of an off-premises beer license application for Publix Tennessee, LLC located at 453 Hwy 76.

Motion was made by Mr. Faust, second by Mr. Smith to approve. A voice vote was called for with all members voting aye. **Motion passed.**

B. Consideration of an off-premises restaurant beer license application for Andy Rutherford of All Seasons Sports Grill located at 532 Raymond Hirsch Pkwy.

Motion was made by Ald. Spicer, second by Mr. Faust to approve. A voice vote was called for with all members voting aye. **Motion passed.**

8. Adjournment

Meeting was adjourned at 7:03 pm.

ATTEST:

Chairman

Derek Watson, City Recorder



BEER / LIQUOR SALE PERMIT APPLICATION

Application for (check all that apply):

- Manufacturers or Distributors Permit
Off-Premises Permit: sale of package beer from location (BEER ONLY)
On-Premises Restaurant Permit: serving and consumption of alcoholic beverages at location (50% or more sales in food)
On-Premises Limited-Service Restaurant Permit: serving and consumption of alcoholic beverages at location (50% or less sales in food)
Special Occasion Permit
Festival Permit
Hotel-Motel Permit
Caterer Permit
Golf Course Permit

I hereby apply for a permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated Title 57, Chapter 4 and 5, and submit my application upon the answers to the following questions:

1. Full name of applicant(s) (owner and/or persons, firms, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business - attach additional sheets if more than three (3) owners):

Applicant #1: Chelsed Gutierrez
Applicant #2:
Applicant #3:

2. Check all that apply: Person Firm Corporation Syndicate Joint-Stock Company Association

3. Name of establishment: The Hole

4. Name this establishment will operate under: Chelsed Gutierrez

5. Street Address of the Establishment: 2952 Highway 31 W, Whitehouse

6. Specify the name, address, telephone, and email to receive annual privilege tax notices and any other communication from the City:

Name: Chelsed Gutierrez
Address: 2952 Highway 31 W City: Whitehouse State: TN Zip: 37188
Phone: Email:

7. List name and address of property owner if someone other than business owner:

Name: Donnie Eden
Address: 2952 Highway 31^W City: Whitehouse State: TN Zip: 37188

8. Give current home address, date of birth, and social security number of applicant(s) (attach additional sheets if more than three (3) owners):

Applicant #1:

Name: Chelsea Gutierrez Social Security #: _____ Birth Date: _____
Address: _____ City: Whitehouse State: TN Zip: 37188

Applicant #2:

Name: _____ Social Security #: _____ Birth Date: _____
Address: _____ City: _____ State: _____ Zip: _____

Applicant #3:

Name: _____ Social Security #: _____ Birth Date: _____
Address: _____ City: _____ State: _____ Zip: _____

9. List previous address(es) within last 10 years of applicant(s) (attach additional sheets if needed).

Applicant #1: _____
Applicant #2: _____
Applicant #3: _____

10. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Tennessee Code Annotated § 57-5-103(a)(4) within the same building?

Check one: Yes No If so, specify number: _____

List the names of the restaurants or other businesses with address (attach additional sheets if needed).

Location #1:

Business Name: _____
Address: _____ City: _____ State: _____ Zip: _____

Location #2:

Business Name: _____
Address: _____ City: _____ State: _____ Zip: _____

11. Has any person having at least a 5% ownership interest listed in question 1, or any other employee of the business been convicted of any violation of beer or alcoholic beverage laws or any crime (other than minor traffic violations)?

Check one: No Yes* If yes, please give details of each charge, court, and date convicted:

12. Has the applicant or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Check one: No Yes* If yes, please list the business name(s) and address(es):

13. Do you own / manage any other businesses in Tennessee that sell beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

14. Have you previously owned / managed any establishments in Tennessee which have sold beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

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

Name: _____ Relationship (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

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

Name: NorthRidge Church Street Address: 309 Wilkinson Ln

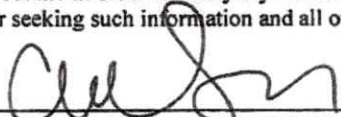
17. What is the name and address of the school nearest to your business?

Name: CCS Street Address: 506 Hester Dr

White House Municipal Code, Title 8, Chapter 2, Section 8-209: No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred fifty (150) feet of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be stored, sold or manufactured.

By signing below, I acknowledge receipt of Title 8 of the White House Municipal Code governing alcoholic beverages in the City of White House. I am knowledgeable of the laws prohibiting the sale of beer to minors. I hereby certify that no person having at least a 5% ownership interest, nor any person to be employed in this distribution or sale of beer in my establishment, has been convicted of any violation of the beer or alcoholic beverage laws nor any crime involving moral turpitude. 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.

By signing below, I also authorize the City of White House to investigate my background and secure additional information about me in order to verify my moral character. I hereby release from liability the City of White House and its representatives for seeking such information and all other persons, corporations or organizations for providing such information.



Signature of Applicant / Owner (or Authorized Corporate Officer)

4-26-24
Date

Sworn to and subscribed before me this 26th day of April, 2024.

(SEAL)

My commission expires: 02/29/2028


NOTARY PUBLIC



DRIVER LICENSE

DUP USA TN
Tennessee
THE VOLUNTEER STATE



NOT FOR REAL ID ACT PURPOSES
DL NO. [REDACTED] DOB [REDACTED]
EXP [REDACTED] ISS [REDACTED]
CLASS D END NONE
REST NONE
SEX F HGT 5-01 EYES BLU
787 [REDACTED]

CHSELSEA SUE
CHELSEA SUE

Chel Chelsea

WHITE HOUSE, TN 37188



Bill Lee
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

04/29/2024

DEANA M PHILLIPS
105D COLLEGE STREET
WHITE HOUSE TN 37188

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW. NOTE: All aliases submitted have been searched.

CHELSEA GUTIERREZ

Please be aware that, unless a fingerprint comparison is performed, it is impossible for the Tennessee Bureau of Investigation to be sure the record belongs to the individual you requested . A fingerprint comparison will only be performed in the event of a written appeal of criminal history results. The information you receive will be based on only those arrests which occurred within the state of Tennessee.

The Tennessee Bureau of Investigation found no Tennessee criminal history based on the information provided. No criminal record check was conducted for other states or for the Federal Bureau of Investigation.

Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994



BEER / LIQUOR SALE PERMIT APPLICATION

Application for (check all that apply):

- Manufacturers or Distributors Permit*
- Off-Premises Permit: sale of package beer from location (BEER ONLY)*
- On-Premises Restaurant Permit: serving and consumption of alcoholic beverages at location (50% or more sales in food)*
- On-Premises Limited-Service Restaurant Permit: serving and consumption of alcoholic beverages at location (50% or less sales in food)*
- Special Occasion Permit*
- Festival Permit*
- Hotel-Motel Permit*
- Caterer Permit*
- Golf Course Permit*

I hereby apply for a permit to sell, store, manufacture, or distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provision of Tennessee Code Annotated Title 57, Chapter 4 and 5, and submit my application upon the answers to the following questions:

1. Full name of applicant(s) (owner and/or persons, firms, joint-stock companies, syndicates, or associations having at least 5% ownership interest in the business – **attach additional sheets if more than three (3) owners**):

Applicant #1: David Seltzer
Applicant #2: _____
Applicant #3: _____

2. Check all that apply: Person Firm Corporation. Syndicate Joint-Stock Company Association

3. Name of establishment: 7-Eleven, Inc.

4. Name this establishment will operate under: 7-Eleven Store #42267H

5. Street Address of the Establishment: 1002 Highway 76 East, White House, TN 37188

6. Specify the name, address, telephone, and email to receive annual privilege tax notices and any other communication from the City:

Name: Licensing Department
Address: P.O. Box 139044 City: Dallas State: TX Zip: 75313
Phone: _____ Email: _____

7. List name and address of property owner if someone other than business owner:

Name: _____
Address: _____ City: _____ State: _____ Zip: _____

8. Give current home address, date of birth, and social security number of applicant(s) **attach additional sheets if more than three (3) owners**:

Applicant #1:

Name: David Seltzer Social Security #: _____ Birth Date: _____
Address: _____ City: South Lake State: TX Zip: 76092

Applicant #2:

Name: N/A Social Security #: _____ Birth Date: _____
Address: _____ City: _____ State: _____ Zip: _____

Applicant #3:

Name: N/A Social Security #: _____ Birth Date: _____
Address: _____ City: _____ State: _____ Zip: _____

9. List previous address(es) within last 10 years of applicant(s) **attach additional sheets if needed**.

Applicant #1: N/A
Applicant #2: N/A
Applicant #3: N/A

10. Will the permit be used to operate two or more restaurants or other businesses under the same permit as permitted by Tennessee Code Annotated § 57-5-103(a)(4) within the same building?

Check one: Yes No If so, specify number: 2

List the names of the restaurants or other businesses with address (**attach additional sheets if needed**).

Location #1:

Business Name: 7-Eleven Store #42267H
Address: 1002 Highway 76 East City: White House State: TN Zip: 37188

Location #2:

Business Name: N/A - Both restaurants are located in the above address
Address: _____ City: _____ State: _____ Zip: _____

11. Has any person having at least a 5% ownership interest listed in question 1, or any other employee of the business been convicted of any violation of beer or alcoholic beverage laws or any crime (other than minor traffic violations)?

Check one: No Yes* If yes, please give details of each charge, court, and date convicted:

12. Has the applicant or the owner's organization had a beer permit revoked, suspended, or denied in the State of Tennessee?

Check one: No Yes* If yes, please list the business name(s) and address(es):

13. Do you own / manage any other businesses in Tennessee that sell beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

Multiple 7-Eleven Store locations throughout the state.

14. Have you previously owned / managed any establishments in Tennessee which have sold beer / alcohol?

Check one: No Yes* If yes, please list the business name(s) and address(es):

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

Name: N/A New Construction Relationship (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

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

Name: White House Church of the Nazarene Street Address: 302 Wilkinson Lane


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

Name: Robert F. Woodall Elementary Street Address: 300 Edenway Drive

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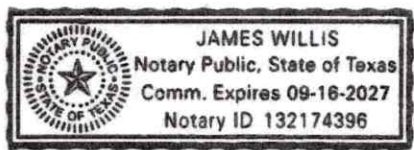


Signature of Applicant / Owner (or Authorized Corporate Officer)

4/16/2024
Date

Sworn to and subscribed before me this 16th day of April, 2024.

(SEAL)





NOTARY PUBLIC

My commission expires: 9/16/2027



Bill Lee
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

04/29/2024

DEANA M PHILLIPS
105D COLLEGE STREET
WHITE HOUSE TN 37188

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DAVID SELTZER

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Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994

City of White House
105D College St
White House, TN 37188
615-672-4350

DATE : 4/29/2024 12:18 PM
OPER : CE
TKBY : Christa Elliott
TERM : 41
REC# : R00338479

MISC Misc 250.00
7 ELEVEN 250.00
Beer and Liquor Application 250.00
110-32209 -250.00

Paid By:7 ELEVEN
2- Check 250.00 REF:561568

APPLIED 250.00
TENDERED 250.00

CHANGE 0.00

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 manufacturer'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.

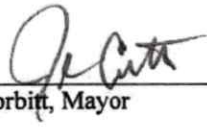
(D) a caterer must provide food at the event. No caterer can provide only beer.

(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.

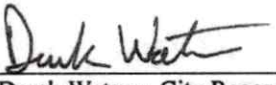
First Reading: December 14, 2024 APPROVED

Second Reading: January 18, 2024 APPROVED



John Corbitt, Mayor

ATTEST:



Derek Watson, City Recorder

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Classes of permits.
- 8-209. Interference with public health, safety, and morals prohibited.
- 8-210. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-211. Prohibited conduct or activities by beer permit holders.
- 8-212. Revocation and suspension of beer permits.
- 8-213. Civil penalty in lieu of revocation or suspension.
- 8-214. Privilege tax.
- 8-215. Loss of clerk's certification for sale to minor.
- 8-216. Termination of business, or change in ownership, relocation of business or change in business.

8-201. Beer board established. There is hereby established a beer board to be composed of five (5) members appointed by the board of mayor and aldermen, one (1) of which shall be a member of the board of mayor and aldermen. Terms shall be for two (2) years except the first terms appointed shall be for one (1) and (2) years, with two (2) member's terms expiring each year. The board of mayor and aldermen's representative shall be for the duration of his term of office. A chairman shall be elected annually by the board from among its appointed members. All members of the beer board shall serve without compensation. The board of mayor and aldermen shall fill any vacancies that occur. (1979 Code, § 2-201, as replaced by Ord. #06-40, Nov. 2006, and Ord. #08-07, June 2008)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board may hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the

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).

beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1979 Code, § 2-202, as replaced by Ord. #06-40, Nov. 2006)

8-203. Record of beer board proceedings to be kept. The city recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1979 Code, § 2-203, as replaced by Ord. #06-40, Nov. 2006)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (1979 Code, § 2-204, as replaced by Ord. #06-40, Nov. 2006)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1979 Code, § 2-205, as replaced by Ord. #06-40, Nov. 2006)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt beverages having an alcoholic content of not more than eight percent (8%) by weight; provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (1979 Code, § 2-206, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Sept. 2007, and Ord. #17-32, Dec. 2017)

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. 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. (1979 Code, § 2-207, as replaced by Ord. #06-40, Nov. 2006)

8-208. Classes of permits. Four (4) classes of 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 or 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" 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. 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.

(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. No more than two (2) special events permits will be granted during a calendar year.

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. (1979 Code,

§ 2-208, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #08-29, Jan. 2009, and Ord. #17-09, May 2017)

8-209. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. No permit will be issued authorizing the storage, sale or manufacture of beer at places within one hundred fifty (150) feet of any church or school, as measured in a straight line from the nearest corner of the school or church structure to the nearest corner of the structure where beer is to be stored, sold or manufactured. (1979 Code, § 2-209, as deleted by Ord. #05-41, Jan. 2006, as replaced by Ord. #06-40, Nov. 2006)

8-210. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (1979 Code, § 2-210, modified, as amended by Ord. #97-11, Aug. 1997, and Ord. #02-06, April 2002, as replaced by Ord. #06-40, Nov. 2006)

8-211. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer.

(2) Make or allow any sale of beer to a minor under twenty-one (21) years of age.

(3) Allow minors under twenty-one (21) years of age to congregate in or about his place of business.

(4) Make or allow any sale of beer to any person reasonably believed by the seller to be intoxicated, insane, or otherwise mentally incapacitated.

(5) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than eight percent (8%) by weight.

(6) Have been convicted of a felony within a calendar year (January-December), which may subject the permittee to revocation of license. (1979 Code, § 2-211, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, Ord. #14-09, June 2014, and Ord. #17-32, Dec. 2017)

8-212. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Temporary suspensions of a beer permit may not exceed six (6) months. Revocation/suspension proceedings may be initiated by the police chief.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a 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 consecutive twelve (12) month period. The revocation shall be for three (3) years. (1979 Code, § 2-212, modified, as amended by Ord. 99-05, April 1999; and Ord. #02-27, Nov. 2002, as replaced by Ord. #06-40, Nov. 2006, and amended by Ord. #07-28, Nov. 2007, and Ord. #17-32, Dec. 2017)

8-213. Civil penalty in lieu of revocation suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006." Tennessee Code Annotated, § 57-5-601 et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or 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 within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violations so charged and shall be paid to the exclusion of any other penalty that the city may impose. (1979 Code, § 2-213, as replaced by Ord. #06-40, Nov. 2006, as amended by Ord. #07-28, Nov. 2007)

8-214. Privilege tax. There is hereby imposed on any holder of a permit under this chapter an annual privilege tax of one hundred dollars (\$100.00). At the time a new permit is issued, 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. All permit holders shall remit the tax between January 1st and February 1st of each year to the City of White House, Tennessee. Failure to pay the tax on or prior to February 1st shall result in immediate, temporary suspension of the holder's permit until further review by the beer board to consider imposition of civil penalties, revocation, suspension, or such other action permitted under this chapter. Upon timely payment of the tax each year, the City of White House will issue a renewal permit to the holder. (1979 Code, § 2-214, as replaced by Ord. #06-40, Nov. 2006, and Ord. #14-05, March 2014)

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. (as added by Ord. #07-28, Nov. 2007)

8-216. Termination of business, or change in ownership, relocation of business or change in business name. A permit holder must return his/her permit to the board within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name; provided that, regardless of the failure to return a permit, a permit shall expire upon termination of the business, change in ownership, relocation of interests in the business are transferred to a new owner. In the event of a change in ownership, relocation of the business or change of the business name, the permit holder may apply for a new permit. (as added by Ord. #12-04, June 2012)