

7/31/2024

# 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, August 13<sup>th</sup>, 2024, at 5:30 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: Speedway, LLC #42276

CITY OF WHITE HOUSE  
Beer Board Meeting  
Agenda  
August 13, 2024  
5:30 p.m.

1. Call to Order
2. Roll Call
3. Adoption of the Agenda
4. Approval of Minutes for the June 25, 2024 Beer Board meeting
5. Public Hearing
  - A. None
6. Reports
  - A. None
7. New Business
  - A. Consideration of an off-premises beer license application for Speedway, LLC #42276 (1876) located at 1002 Hwy 76.
8. Adjournment

CITY OF WHITE HOUSE  
Beer Board Meeting  
Minutes  
June 25, 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 – Absent; **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 June 4, 2024 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. **June 4th meeting minutes were approved.**

5. Public Hearing

A. None

6. Reports

A. None

7. New Business

A. Consideration of an on-premises restaurant beer license application for Neal's Pour House and Grub, LLC located at 2934 Hwy 31W.

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

8. Adjournment

Meeting was adjourned at 7:01 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: David Seltzer -- 0%
Applicant #2: N/A
Applicant #3: N/A

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

3. Name of establishment: Speedway LLC

4. Name this establishment will operate under: Speedway #4276 (1876)

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: 500 Speedway Drive City: Enron State: OH Zip: 45323
Phone: Email:

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

Name: \*\*See attached copy of current lease\*\*

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: \_\_\_\_\_ 39

Address: \_\_\_\_\_ City: \_\_\_\_\_ 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: \_\_\_\_\_

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

**Location #1:**

Business Name: \_\_\_\_\_

Address: 1002 Highway 76 East City: White House State: TN Zip: 37188

**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):

---

Multiple Speedway locations throughout the state of TN.

---

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

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.

Harrah Becker  
Signature of Applicant / Owner (or Authorized Corporate Officer)

7/23/24  
Date

Sworn to and subscribed before me this 23 day of July, 2024.

(SEAL)



[Signature]  
NOTARY PUBLIC

My commission expires: 5/3/24

# GRAYROBINSON

---

Heather Verrier | Heather.Verrier@gray-robinson.com | D 850.577.6963  
301 South Bronough Street, Suite 600, Tallahassee, Florida 32301 | T 850.577.9090 | F 850.577.3311

July 24, 2024

## VIA FEDERAL EXPRESS

ATTN: Derek Watson  
City of White House  
105-D College Street  
White House, TN 37188  
(615) 672-4350

Re: Speedway, LLC d/b/a Speedway Store #42267 (1876) – 1002 Highway 76 East, White House, TN 37188

Dear Mr. Watson:

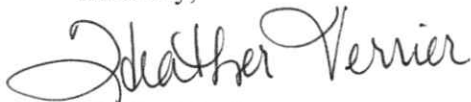
We represent Speedway, LLC. The Speedway location enclosed will be changing over to corporate on August 21st, 2024. Enclosed find the following items included to file for this beer permit:

- Completed City of White House beer permit application and Speedway POA;
- A check made payable to the City of White House for \$250.00 for the application fee;
- A copy of the store Robertson County business tax license;
- A copy of the State of Tennessee Certificate of Business tax letter;
- A copy of the store floor plans; and
- A copy of the store lease.

Please let me know if you have any questions or need anything additional.

Thank you for your time and kind assistance.

Sincerely,



Heather Verrier  
Licensing Specialist



Payee: City of White House, TN

Check #:

Vendor ID:

Check Date: Jul 24/24

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Reference</u>	<u>Client.Matter</u>	<u>Invoice Amount</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
42267_1876_BEER	Jul 24/24	8008	348102.4489	250.00	0.00	250.00
Totals:				\$250.00	\$0.00	\$250.00

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

DATE : 7/25/24 4:24 PM  
 OPER : CE  
 TKBY : Christa Elliott  
 TERM : 41  
 REC# : R00352275

MISC Misc 250.00  
 GRAY ROBINSON-SPEEDWAY 250.00  
 Beer and Liquor Application 250.00  
 110-32209 -250.00

Paid By: GRAY ROBINSON-SPEEDWAY  
 2- Check 250.00 REF:564229

APPLIED 250.00  
 TENDERED 250.00  
 CHANGE 0.00

**7-ELEVEN, INC.'S  
LETTER OF AUTHORIZATION  
FOR LICENSURE AND PERMIT PURPOSES**

**WHEREAS, 7-ELEVEN, INC.** ("7-Eleven") is a Texas corporation duly authorized to conduct business in Tennessee, and operates pursuant to Federal Employer Identification Number 75-1085131;

**WHEREAS, SPEEDWAY LLC** ("Speedway") is a Delaware limited liability company duly authorized to conduct business in Tennessee, operates pursuant to Federal Employer Identification Number 31-1551430, and is a wholly owned subsidiary of 7-Eleven.

**WHEREAS, 7-Eleven** has retained the law firm of **GRAYROBINSON, P.A.** ("GrayRobinson") to serve as its regulatory compliance and licensure counsel for 7-Eleven and Speedway alcohol beverage licensure and operational permitting purposes in Tennessee; and

**WHEREAS, RICHARD M. BLAU, ESQ.** ("Richard Blau") is the head of GrayRobinson's *Regulated Products Practice*; and

**WHEREAS, HANNAH BECKER, ESQ.** ("Hannah Becker") is a Shareholder in GrayRobinson's *Regulated Products Practice*; and

**WHEREAS, 7-Eleven** desires Richard Blau and Hannah Becker to act on its behalf, both as attorneys-at-law and attorneys-in-fact, to secure 7-Eleven's and Speedway's good standing as a licensee qualified and authorized to sell at its licensed premises alcohol, lottery, and all other regulated products in Tennessee.

**NOW, THEREFORE, 7-Eleven hereby appoints and empowers Richard Blau and Hannah Becker as its true and lawful attorneys-in-fact for licensure purposes relating to 7-Eleven and Speedway locations in Tennessee. Pursuant to this appointment, Richard Blau and Hannah Becker are authorized to represent, request and file information, sign license applications, submit payments, receive licenses and act on behalf of 7-Eleven and Speedway.**

This Letter of Authorization shall extend to actions before any office of any State regulatory agency associated with the issuance of alcohol beverage licenses or other operational permits related to 7-Eleven's and Speedway's retail business, including but not limited to the agencies of Tennessee Department of Revenue, Tennessee Secretary of State, Tennessee Lottery, and Tennessee Alcoholic Beverage Commission, and any local



# ANGIE H. GROVES, ROBERTSON COUNTY CLERK

LICENSE  
**0475092**

## STANDARD BUSINESS TAX LICENSE

---

Total Due: 16.36  
Cash: Check: Check No.: Credit Card: 16.36 Auth# 075237 Change:  
ASHLEY WK04 Drawer: 5 Site: 1  
Work Date: 07/01/2024

DETACH THIS PORTION FOR CONFIDENTIAL FILE

**ANGIE H. GROVES**  
**ROBERTSON COUNTY CLERK**  
511 SOUTH BROWN STREET  
SPRINGFIELD, TN 37172

LICENSE  
**0475092**

## STANDARD BUSINESS TAX LICENSE

---

Mailing

Location

18000 SPEEDWAY LLC  
  
PO BOX 711  
DALLAS, TX 75221

SPEEDWAY LLC  
  
1002 HIGHWAY 76  
WHITE HOUSE, TN 37188

LOCAL ACCOUNT NUMBER 18000  
STATE ACCOUNT NUMBER 1000742216  
TRANSACTION NUMBER \_\_\_\_\_  
CLASS 1D  
SALES TAX NUMBER \_\_\_\_\_

ISSUE DATE 07/01/24  
TAX PERIOD STARTED - 07/24/2024  
PAYMENT DUE BY 4/15/2025  
EXPIRATION DATE 5/15/2025

TO AVOID PENALTY, INTEREST, AND POTENTIAL ENFORCED COLLECTION ACTION, BUSINESS TAX RETURNS AND PAYMENTS MUST BE REMITTED TO THE TENNESSEE DEPARTMENT OF REVENUE AT LEAST 30 DAYS PRIOR TO THE EXPIRATION DATE OF THIS LICENSE.

IF PAID BY CHECK, THIS LICENSE VALID ONLY AFTER CHECK IS PAID.

THIS LICENSE DOES NOT PERMIT OPERATION UNLESS PROPERLY ZONED, AND/OR IN COMPLIANCE WITH ALL OTHER APPLICABLE LAWS/RULES.



ASHLEY WK04 Drawer:5 Site:1

-- POST AT LOCATION OF BUSINESS --  
IF BUSINESS CLOSES, MOVES, OR CHANGES OWNERS, NOTIFY THIS OFFICE



STATE OF TENNESSEE  
DEPARTMENT OF REVENUE

**Certificate of Registration  
Business Tax**

July 23, 2024



SPEEDWAY #42267 (1876)  
500 SPEEDWAY DR  
ENON OH 45323-1056

Letter ID: L0553920320  
Account ID: 1000742216-BUS  
Account Type: Business Tax  
Effective Date: August 1, 2024

You have filed an application for business tax registration for the business at the location shown below:

**Location No.:** 1001765535

**Location Address:** SPEEDWAY #42267 (1876)  
1002 HIGHWAY 76  
WHITE HOUSE TN 37188-9252

**Business Licenses**

This certificate is not your business license. To complete your registration, you must get a business license from your county and/or city clerk. You must pay a \$15 fee to the city and/or county clerk for each initial license. If you have not already paid this fee locally, please contact your city and/or county clerk. You need a certificate of registration and a business license for each of your business locations.

Taxpayers in these business tax classifications **are not required** to obtain a business license:

- Classification 1, 2, 3, and 4B taxpayers with no established physical location in Tennessee,
- Effective with the December 31, 2023, filing period, Classification 4A contractors with no established physical location in Tennessee and with \$100,000 or less in sales in any city or county,
- Classification 5A taxpayers (industrial loan and thrift companies)

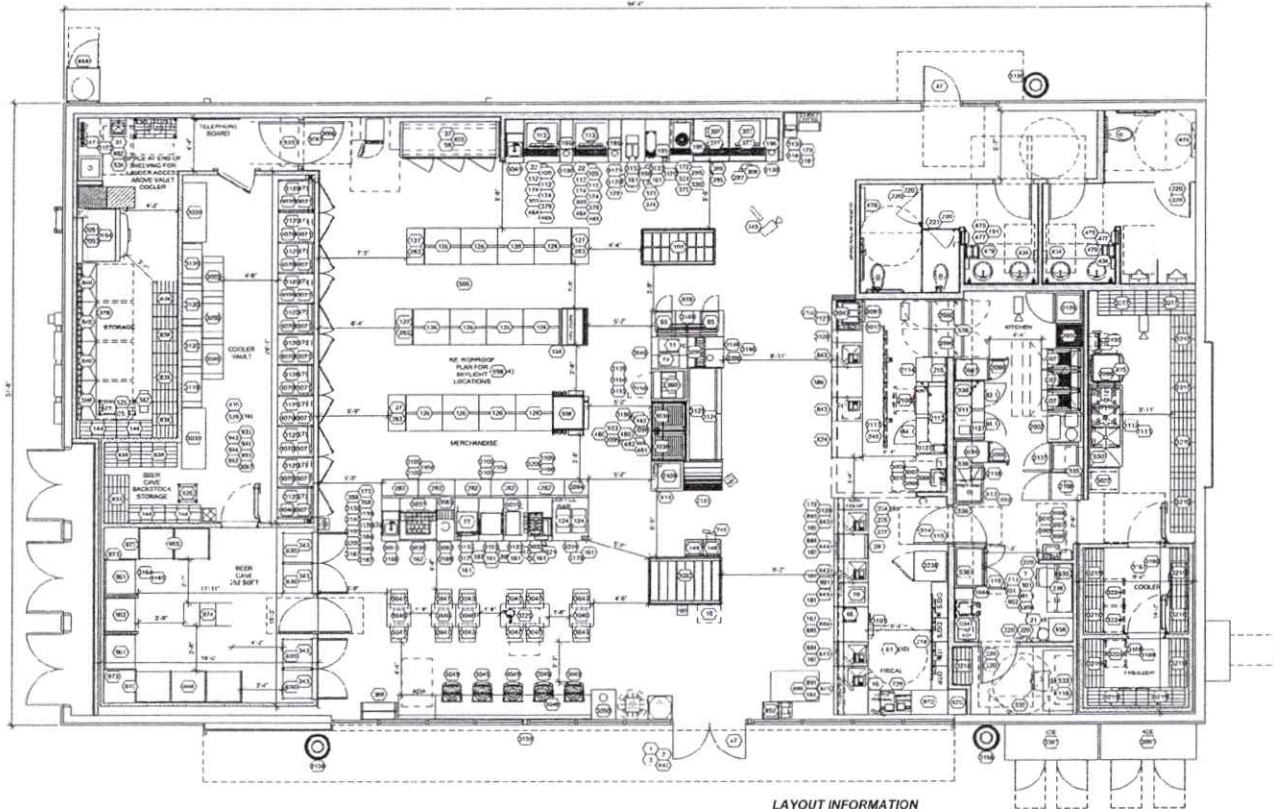
Note that effective with the December 31, 2023, filing period, out-of-state Classification 4A contractors must get a business license in any city and/or county where they earn more than \$100,000 in compensation.

**Tax Returns**

Taxpayers must file and pay business tax returns online. You must file your consolidated business tax return each year on the 15th day of the fourth month after the close of your business year end. If your business is set up on a calendar year, your tax return is due April 15 of the following year. To avoid penalty and interest charges, taxpayers must file all returns and payments on or before the due date.

**David Gerregano**

Commissioner of Revenue



**WALL TYPE LEGEND**

- EXTERIOR WALL
- COLUMN
- INTERIOR WALL
- PARTIAL HEIGHT WALL
- COOLER WALL

**OCCUPANT CALCULATION**

SEATING	186 SF / 15 = 13 PEOPLE
MERCHANDISE	2222 SF / 60 = 37 PEOPLE
OFFICE	52 SF / 100 = 1 PEOPLE
KITCHEN/ SALES	327 SF / 200 = 2 PEOPLE
STORAGE / BACK ROOM	1261 SF / 300 = 5 PERSON
RESTROOM	280 SF / N/A = 0 PEOPLE
<b>TOTAL</b>	<b>= 58 PEOPLE</b>

**LAYOUT INFORMATION**

ROLLER GRILLS	2 (SM)	GAS: YES	LIQUOR: NO
SANDWICH CASE	7 (ISLAND)	BEER: YES	WINE: YES
VAULT DOORS	14	OCCUPANCY LOAD (>49) = 58	
LOW TEMP DOORS	2	TRAVEL DISTANCE (<200) = 114'	
ICE MERCH. DOORS	EXTERIOR ONLY	COMMON PATH OF TRAVEL (<75') = 40'	
NOVELTY CASE	1 (LG)	RESTROOMS REQUIRED = 4 (2 PER GENDER)	
BAKERY CASE	1 (LG)	EXITS REQUIRED = 2	
SLURPEE BARRELS	8	OVERHEAD SHELVES = 43 FT	
GONDOLA UNITS (54"H)	30	FLOOR SHELVES = 54 FT	
END CAPS (54"H)	05	TOTAL SQ FT = 4,633 SF	
POWER WINGS	(00) - NOT IN TOTAL	SALES FLOOR AREA = 2,549 SF	
LOW WALLS (36"H)	02		
HIGH WALLS (60"Hx24"W)	02		
HIGH WALLS (60"H)	05		
HIGH WALLS (72"H)	00		
<b>TOTAL</b>	<b>44</b>		



**1054587 - WHITE HOUSE, TN - ROOST LAYOUT 7**

01/30/2023

TN-76 & DEE DEE COURT  
WHITE HOUSE, TN

SCALE: 1/4"=1'-0"

TDG #220-061

APPROVED: YES  NO   
02/20/2023

Draw # Date

7-ELEVEN, INC.  
3200 Hickory Hill, Evans, TN 37633  
7-11 # 1054587  
7000 White House, TN



ARCHITECTURE  
CIVIL ENGINEERING  
MEP ENGINEERING  
PLANNING

PROJECT: 220-061  
SCALE: AS NOTED  
DATE: 2/20/23  
Drawn By: [Signature]  
Checked By: [Signature]

Approval to print this drawing is granted on the condition that the user agrees to indemnify and hold harmless the engineer, architect, or planner from and against all claims, damages, and expenses, including reasonable attorney's fees, that may be asserted against or incurred by the engineer, architect, or planner in connection with the use of this drawing, whether or not such claims, damages, or expenses result from the negligence of the engineer, architect, or planner.



SHEET

## CHAPTER 2

### BEER<sup>1</sup>

#### 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

---

<sup>1</sup>State 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 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 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)

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 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