

## ***ARTICLE I. IN GENERAL***

### **Sec. 4-5 Retail food store wine certificate.**

- (a) Pursuant to T.C.A. § 57-3-806(a), as a condition precedent to the issuance of a license to sell wine in retail food stores, an applicant must obtain a certificate signed by the mayor.
- (b) To obtain a certificate, the applicant must submit the following to the secretary of the alcoholic beverage board:
  - (1) Proof, by way of TBI background check conducted within 30 days of the date of application, that the applicant or applicants who are to be in charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of the application, and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application;
  - (2) Sufficient information for the zoning administrator to ascertain that the applicant or applicants have secured a location for the business which complies with all zoning laws adopted by the city as to the location of the business, specifically section 4-61(a) [of this Code], that any seller of wine shall not be located within 100 feet of a school, church, house of worship, library or municipal park. Distance shall be measured in a straight line from the center of the main entrance of the school, church, house of worship, library, or municipal park to the center of the main entrance of the potential permittee.
- (c) All applications for permits shall be accompanied by an application fee of \$250.00 for use in offsetting the expense of investigating the applicant and processing the application.
- (d) Upon receipt of a completed application, the board of commissioners, by resolution shall either direct or prohibit the mayor from issuing and signing a certificate for the applicant or applicants.

(Ord. No. 2016-09, 3-14-2016)

### **Secs. 4-6—4-26. Reserved.**

## ***ARTICLE III. BEER AND ALCOHOLIC BEVERAGES AS DEFINED IN TCA 57-5-101<sup>1</sup>***

---

<sup>1</sup>Editor's note(s)—Ord. No. 2017-22, adopted March 27, 2017, changed the title of Art. III from "Beer and alcoholic beverages of less than five percent" to "Beer and alcoholic beverages as defined in TCA 57-5-101".

State law reference(s)—Regulation of, T.C.A. § 57-5-101 et seq.; taxation, T.C.A. § 57-5-201 et seq.; prohibited acts, T.C.A. § 57-5-301 et seq.; transportation, T.C.A. § 57-5-401 et seq.; Tennessee Responsible Vendor Act of 2006, T.C.A. § 57-5-601 et seq.

---

## Sec. 4-56. Application—Requirements and conditions.

- (a) The owner of any business desiring to sell, distribute or store beer within the city shall file in person with the city recorder a written application under oath. The application shall include a scale drawing of the premises showing all parking spaces and the lot dimensions and an interior drawing showing the seating. Drawings shall be done to scale in a professional manner. No permit shall be issued until the board has reviewed information contained in the application ~~approved the written application~~ and interviewed the applicant. The form of the application shall be prescribed by the board and approved by the city attorney. No beer permit license can be issued to a person whose spouse has had a beer permit revoked or suspended by the city, within the past ten years.
- (b) To be eligible for a permit, the applicant shall establish, in addition to any other requirement of this chapter, the following:
- (1) That no beer will be sold except at places where such sale will not cause congestion of traffic or inference with schools, churches, or other places of public gathering, or otherwise interfere with public health, safety and morals;
  - (2) That no sale shall be made to persons under 21 years of age;
  - (3) That no person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the establishment or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been charged and penalized, whether through settlement, fines, conviction or otherwise, of any state, city, county or federal law relating to beer and/or liquor, including, but not limited to DUI's, public intoxication, sales to minors, or possession, storage, or sale of liquor or beer within the past ten years.
    - a. The alcoholic beverage board may waive compliance with this provision in its discretion and upon good cause shown by the applicant.
  - (4) That no person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the establishment or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been convicted of any crime involving moral turpitude within the past ten years; and
  - (5) That no sale shall be made for on-premises consumption unless the permit so states.
- (c) An applicant shall disclose the following information in the application:
- (1) Name of the applicant.
  - (2) Name of applicant's business and whether the applicant is a person, partnership, corporation, limited liability company or association.
  - (3) Location of business by street address and map and parcel and telephone number at the location.
  - (4) If beer will be sold at two or more restaurants or other businesses as provided by T.C.A. § 57-5-103(a)(4), a description of all such businesses.
  - (5) Persons, firms, corporations, joint stock companies, syndicates, partnerships, limited liability companies or associations having at least a five percent ownership in the applicant, together with addresses and telephone numbers and social security numbers and tax ID numbers.
  - (6) The name, address, and social security number of any individual person who will act as the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer.

- 
- (7) Identity and address and telephone number of a representative to receive annual tax notices and other communication from the city.
  - (8) Whether any person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the applicant or any person employed in the distribution or sale of beer or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been charged and penalized, whether through settlement, fines, conviction or otherwise, of any state, city, county or federal law relating to beer and/or liquor, including, but not limited to DUI's, public intoxication, sales to minors, or possession, storage, or sale of liquor or beer, in the past ten years.
    - a. The alcoholic beverage board may waive compliance with this provision in its discretion and upon good cause shown by the applicant.
  - (9) Whether any person, firm, corporation, joint stock company, syndicate, or association having at least a five-percent ownership interest in the applicant or any person employed in the distribution or sale of beer or the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer, has been convicted of any crime involving moral turpitude within the past ten years.
  - (10) Whether the applicant is seeking a permit which would allow the sale of beer for on-premises consumption of beer or for off-premises consumption or both types of consumption.
  - (11) The name, address and telephone number of the owner of the property.
  - (12) The application shall authorize a police records check and shall waive any right the applicant may have to privacy concerning arrests reflecting on the moral character of the applicant.
  - (d) An applicant or permit holder shall amend or supplement the information provided in his application promptly if a change in circumstances affects the responses in the application.
  - (e) Any applicant making any false statement in an application shall forfeit his permit, and shall not be eligible to receive any permit for a period of ten years.
  - (f) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate, or association.
  - (g) Every beer permit applicant, and any manager or operator of the business, meaning the person on site overseeing the business of selling beer, is required to provide a Tennessee Bureau of Investigation (TBI) background check dated no less than week prior to the date of the application.
  - (h) The applicant is subject to an ongoing duty of disclosure. If any information in the application changes, including, but not limited to, any potential violation of any state, city, county or federal law relating to beer and/or liquor, the applicant is required to submit a supplemental application within 60 days of the qualifying event. Failure to do so will be considered a violation of this chapter, punishable in the same fashion as any other violation. For the purpose of this subsection, a supplemental application only needs to include the information that has changed, as well as an explanation of the change. If another part of this chapter requires a new application based upon a change in information, including, but not limited to, a change of ownership, that portion of this chapter will control.

(Code 1997, § 2-3-040; Ord. No. 2006-35, § 1(F), 8-14-2006; Ord. No. 2007-51, 3-26-2007; Ord. No. 2013-06, § 1, 1-28-2013; Ord. No. 2017-02, 1-9-2017)

---

## Sec. 4-61. Location restrictions.

- (a) No beer permit for on-premises consumption shall be issued to an applicant whose location is less than 100 feet from a school, church, house of worship or municipal park. The minimum distance requirement for a beer permit for off-premises consumption shall be 100 feet from a school, church, house of worship or municipal park. Distance ~~for on-premises and off-premises~~ shall be measured ~~as driving or walking distance in a straight line~~ from ~~main entrance to the center of the~~ main public entrance of the school, church, house of worship or municipal park ~~along a straight line~~ to the center of the main public entrance of the potential licensee. Municipal parks shall not include those parks created on land donated to the city on or after May 1, 2013.
- (b) No beer permit shall be issued for a location which fails to comply with any health ordinances or statutes or any which would violate the zoning ordinance.
- (c) Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises by the same business enterprise or its employees operating the premises until after the expiration of one year from the date the revocation becomes final and effective. No permit shall be issued to a partner, employee, associate or relative of the holder of a revoked permit if the relationship existed at the time of the offense. Other totally unrelated persons shall be eligible to apply for a permit for that location but issuance shall be at the sole discretion of the alcoholic beverage board.
- (d) No permit shall be issued to an applicant who had revoked, within ten years, a permit, issued by any state, city, county or federal government relating to beer and/or liquor, for the sale of beer and/or alcoholic beverages.

(Code 1997, § 2-3-090; Ord. No. 85-17, 10-7-1985; Ord. No. 98-37, 10-5-1998; Ord. No. 2002-20, 6-17-2002; Ord. No. 2003-12, 2-10-2003; Ord. No. 2007-51, 3-26-2007; Ord. No. 2013-11, § 1, 1-28-2013; Ord. No. 2013-46, 5-30-2013; Ord. No. 2017-02, 1-9-2017; Ord. No. 2024-20, §§ 1, 2, 4-8-2024)

## Sec. 4-80. Fees and taxes; applications.

- (a) *Fees and taxes.* Fees and taxes on city beer permit are as follows:
- (1) \$250.00 nonrefundable fee, required when application is submitted (new applicant).
  - (2) \$100.00 privilege tax, on a pro rata basis (T.C.A. § 57-5-104(5), new applicant).
  - (3) \$100.00 privilege tax, (T.C.A. § 57-5-104(b)(1)) to maintain the beer permit each January. Current contact information is required with the yearly permit fee.
- (b) *City beer permit application.* ~~The a~~Application for city beer permit, as approved in accordance with this Article, is available in the office of the City Recorder. ~~is as follows:~~

<i>Beer Permit Application City of Mt. Juliet</i>	
<del><input type="checkbox"/> On-premises consumption (seating/parking chart required)</del>	<del><input type="checkbox"/> Off-premises consumption</del>
<del><input type="checkbox"/> Joint off/on-premises consumption (seating/parking chart required)</del>	<del><input type="checkbox"/> Special events permit</del>
<del><input type="checkbox"/> Distributor's wholesale permit</del>	<del><input type="checkbox"/> Manufacturer's permit</del>

- ~~(c) —Applicant information.~~ Information required for applicant of city beer permit is as follows:

<i>Applicant Information</i>	
I hereby make application for a permit to sell, store, distribute beer or other beverages authorized to be sold, stored, manufactured or distributed under the provisions of T.C.A. § 57-5-101 et seq. and chapter 4 of the Mt. Juliet Code and base my application on the answers to the following questions:	
1.	Applicant information.
(a)	Full name of the applicant (please print)
(b)	Entity: <input type="checkbox"/> Person <input type="checkbox"/> Partnership <input type="checkbox"/> LLC <input type="checkbox"/> Corporation <input type="checkbox"/> Association
(c)	Under what name will the business operate? _____ and telephone number: _____
(d)	Address of business
(e)	Previous business addresses for the last ten years:
(f)	Name of previous business:
(g)	Identity and address of the person to receive annual privilege tax notices?
(h)	Will applicant permit dancing or any other entertainment? <input type="checkbox"/> Yes <input type="checkbox"/> No
(i)	Has any license belonging to an owner, manager or the applicant for sale of alcoholic beverages been revoked within the last ten years? <input type="checkbox"/> Yes <input type="checkbox"/> No
(j)	Will applicant serve food? <input type="checkbox"/> Yes <input type="checkbox"/> No
(k)	What is the relationship of the applicant or its owners to the operator of prior businesses operating at the same address?
(l)	Does applicant hold any other beer permits? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, where?
(m)	What is the property zoned?
2.	Owner/operator information.
	If the applicant is not an individual person, list all persons or legal entities having five percent or more interest in the applicant, together with the following information about them:
(a)	What is your present home address?
(b)	What previous addresses have you occupied within the last ten years?
(c)	Date of Birth _____ Social Security Number _____
(d)	Have you or any owner been convicted of any violation of a criminal law regarding alcoholic beverages within the last ten years? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Other criminal law? <input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Designate and list the person(s) who will be the designated operator or manager of the business, meaning the person on site overseeing the business of selling beer. Include said person(s) address, date of birth, and social security number.
(a)	Has the designated manager/on site operator been convicted of any violation of a criminal law regarding alcoholic beverages within the last ten years? <input type="checkbox"/> Yes <input type="checkbox"/> No

4.	<del>Are you and each of the persons named in section 3 of this form familiar with chapter 4 of the Mt. Juliet Code and title 57 of the Tennessee Code?</del>
5.	<del>Do you lease or own the premises? <input type="checkbox"/> Lease <input type="checkbox"/> Own</del>
	<del>Provide a copy of the lease or deed evidencing your interest in the property.</del>
<del>I have read the City of Mt. Juliet rules and regulations governing the issuance of a beer permit and agree to comply with all laws, ordinance and regulations governing my beer permit. I further state that the information contained in this application is true and correct and acknowledge that in the event I have provided false information my permit may be immediately revoked. I authorize the City of Mt. Juliet to check my record for criminal and civil violations. I waive my right to privacy and authorize a complete check of my background for the purpose of determining the accuracy of the information provided in this application.</del>	
<del>Sworn to and subscribed before me this _____ day of _____, 20____.</del>	
_____ Signature of Applicant	
_____ Notary Public	
_____ Commission Expires:	
<del>Alcoholic beverage board meetings are held on the 2nd Tuesday of each month at 6:30 p.m.</del>	
<del>This application will be considered _____.</del>	

(Code 1997, title 2, ch. 3; Ord. No. 2007-51, 3-26-2007; Ord. No. 2013-11, § 1, 1-28-2013; Ord. No. 2014-56, § 1(Att.), 7-28-2014; Ord. No. 2017-02, 1-9-2017; Ord. No. 2021-24, 7-12-2021)

## **ARTICLE IV. RETAIL LIQUOR STORES**

### **Sec. 4-94. Where retail liquor stores may be located.**

- (a) It shall be unlawful for any person to operate or maintain any retail liquor store for the sale, storage or distribution of alcoholic beverages in the City of Mt. Juliet, unless said retail liquor store is permitted by the Mt. Juliet Land Development Code.
- (b) Retail liquor stores shall not be located within 1,000 feet of a school, church, house of worship, library or municipal park. Distance shall be measured following the usual and customary path of pedestrian travel along streets and/or sidewalks from the center of the main public entrance of the school, church, house of worship, library, or municipal park to the center of the main public entrance of the proposed retail liquor store.
- (c) Retail liquor stores cannot be located any closer than three miles from each other. Distance will be measured along the shortest drivable route from the center of the main public entrance of one location to the center of the main public entrance of the other location.

(Ord. No. 2013-21, § 1, 2-11-2013)

State law reference(s)—Certificate required; contents; exceptions, T.C.A. § 57-3-208(c).