

Chapter 7.04 BEER PERMIT BOARD

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7.04.010 Established.

A beer permit board is created and designated the metropolitan beer permit board.

(Prior code § 5-1-1)

7.04.020 Membership—Terms.

The metropolitan beer permit board shall consist of seven members. Four members are to be appointed by the mayor and approved by the metropolitan council. Three members are to be elected by a majority vote of the whole membership of the metropolitan council. Said members shall serve terms of four years each. Any vacancy other than the expiration of terms shall be filled for the unexpired term. The members presently constituting the metropolitan beer permit board shall succeed to the rights, powers, duties and obligations of the board subject to the Charter as authorized by this section.

(Ord. BL2022-1528 § 10, 2023; Ord. 93-582 § 1, 1993)

7.04.030 Election of officers—Term.

The metropolitan beer permit board shall organize by the election of a chairman and a vice-chairman, who shall serve for a period of one year or until a successor shall have been chosen.

(Prior code § 5-1-3)

7.04.040 Meetings—Quorum required—Minutes and transcript.

- A. The metropolitan beer permit board shall hold two regular meetings each month at a time fixed by the board, and may hold such special meetings as may be necessary.
- B. The attendance of at least a majority of the members of the board shall be required to constitute a quorum for the purpose of transacting business.
- C. Minutes shall be kept of the meetings in permanent form and a record shall be kept of the action of the board with respect to every application for a permit. The concurring vote of a majority of the quorum shall be necessary to the granting and revoking of permits, or any other action by the board.

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- D. No transcript of the proceedings had before the board shall be in any form other than narrative, unless the board shall have been requested to provide for an exact copy of the testimony by an interested party at least twenty-four hours prior to a board meeting. The cost of an exact copy shall be borne by the person requesting the same.

(Ord. 99-1794 § 1, 1999; prior code § 5-1-4)

7.04.050 Powers and duties.

- A. The metropolitan beer permit board shall have jurisdiction of the licensing, regulating and controlling of the transportation, storage, sale, distribution, possession, receipt and/or manufacture of beer of an alcoholic content of not more than eight percent by weight or any other beverage of like alcoholic content, and shall constitute the sole administrative agency in the metropolitan government for the administration of all laws and ordinances relating to beer and like alcoholic beverages.
- B. The metropolitan beer permit board may promulgate such bylaws, rules and regulations not inconsistent with state law, the Charter, or any ordinance, as it deems appropriate for the conducting of its business, copies of which shall be filed with the secretary of the board, and with the metropolitan clerk.

(Ord. BL2017-584 § 1, 2017; prior code § 5-1-5)

7.04.060 Metropolitan beer permit inspectors—Authority.

The metropolitan beer permit board, subject to the civil service provisions of the Charter, is empowered to employ suitable persons as metropolitan beer permit inspectors. Such board shall prescribe the duties of such inspectors so as to enforce the applicable provisions of this title.

(Prior code § 5-1-6)

*Chapter 7.08 BEER AND ALCOHOLIC BEVERAGES OF LESS THAN EIGHT PERCENT*¹*

Sections:

¹**Editor's note**—Ord. BL2017-584, § 2, adopted March 7, 2017, renamed Ch. 7.08 to read as herein set out. Formerly, said chapter was entitled "Beer and Alcoholic Beverages of Less than Five Percent."

State law reference—Beer and alcoholic beverages containing less than five percent alcohol, T.C.A. § 57-5-101 et seq.

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7.08.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Authorized wholesaler" means a Tennessee wholesaler holding a valid wholesale permit.

"Beer" means products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%)

alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, or fruit ingredients used to make cider, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol.

"BYO beer" is beer as defined in chapter 7.08.010 of the Metropolitan Code that may be brought by a customer to be stored, opened and consumed on a mobile establishment with a mobile BYO beer permit.

"Caterer" means a business engaged in offering food and beverage service for a fee at various locations, which (1) operates a permanent catering hall on an exclusive basis; (2) has a complete and adequate commercial kitchen facility; and (3) is licensed as a caterer by the Tennessee Department of Health.

"Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption.

"Food truck" means a licensed vehicle or trailer that is capable of movement, is permanently enclosed and has a service window for the sale and service of meals that are regularly prepared in the vehicle or trailer.

"Food truck beer permit" means a retailer's on-sale permit issued by the metropolitan beer permit board to a food truck business. Food trucks selling or otherwise dispensing beer shall comply with portable barrier, signage and location requirements as may be promulgated by the beer permit board.

"Manufacturer" means any person who manufactures beer on its premises.

"Manufacturer beer permit" means a permit issued by the metropolitan beer permit board to a beer manufacturer.

"Metropolitan arena" means a facility owned, operated or leased by a metropolitan government or any agency or commission thereof, or by a nongovernmental individual, corporation, partnership or other legal entity, with permanent seating capacity in excess of nine thousand persons, which is located within the DTC district or a CF zone district, which is designed primarily for indoor sporting, recreational, convention and/or entertainment use and may contain space and facilities for meetings, exhibitions, retail sales, retail food dispensing and restaurants and is a facility for which a license has been obtained from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption.

"Metropolitan beer permit board" or "board" means that administrative body organized and empowered under the authority of Tennessee Code Annotated, Title 57, Chapter 5 (T.C.A. § 57-5-101 et seq.) and created by Section 7.04.010 of this code.

"Minor" with respect to purchasing, consuming or possessing beer means any person who has not attained the age of twenty-one years.

"Mobile beer permit" means a retailer's on-sale permit issued by the metropolitan beer permit board to a business permitted as a mobile establishment. Mobile establishments may only sell beer for on-premise consumption. Beer may be sold sealed and opened by the purchaser. Beer may be sold, served and consumed in the main office, patio or on carriages or vehicles. Mobile establishments may also hold a mobile BYO beer permit. Notwithstanding any provision to the contrary in Titles 6 and 12, it shall be legal for mobile establishments with a mobile beer permit to stock, provide and sell beer, and for customers to possess and consume beer on a mobile establishment with a mobile beer permit, in compliance with this Title 7.

"Mobile BYO beer permit" means a permit issued by the metropolitan beer permit board that grants a mobile establishment the right to allow a customer to store, open and consume BYO beer on the mobile establishment. Notwithstanding any provision to the contrary in Titles 6 and 12, it shall be legal for customers to store, open and consume BYO beer on a mobile establishment with a mobile BYO beer permit, in compliance with this Title 7.

"Mobile establishment" means a business permitted as a pedal carriage, horse drawn carriage, or entertainment transportation vehicle by the metropolitan transportation licensing commission (MTLC) pursuant to Title 6 of the Metropolitan Code, or an affiliate of such business with common officers or LLC managers.

"On-premise beer permit" means a retailer's on-sale permit issued by the metropolitan beer permit board to a business with seating capacities for not less than sixteen persons, where meals or lunches are regularly served and where the premises are equipped with adequate toilet facilities and handwashing facilities, including hot and cold running water, for use by customers.

"Park" means a place or property either owned or maintained by the metropolitan government or by a utility district or an incorporated city, where persons regularly gather for recreational purposes or as spectators; provided, however, that such places or property shall not include those places and properties within the downtown code (DTC) district and core commercial frame district (CF) as defined in Title 17 of this code; provided, further, that such places or property shall not include parks within the boundary described herein as: beginning at the point of the intersection of Interstate 40 and Herman Street, then East to the intersection of Herman Street and 9th Ave. North, then north to the intersection of 9th Ave. North and Jefferson Street, then east to the intersection of Jefferson Street and Interstate 65, then south to the intersection of Interstate 65 and Interstate 40, then west to the point of beginning.

"Performing arts facility" means the following:

1. A facility owned by a governmental entity and administered by a not-for-profit corporation which facility is located within the downtown code (DTC) district or core commercial frame district (CF) as defined in Title 17 of this code and in which meetings, festivals, live theatrical, musical, and other performances and events are regularly presented; or
2. A facility possessing each of the following characteristics:
 - a. Is located on a tract or tracts of land having at least five contiguous acres;
 - b. Is located directly adjacent to property owned or leased by an airport authority created under state law;
 - c. Has an enclosed facility of at least twenty thousand square feet and one room with more than fourteen thousand square feet;
 - d. Has an exterior garden or gardens with sculpture; and
 - e. Is leased or owned by a not-for-profit corporation that qualifies under § 501(c)(3) of the Internal Revenue Code.
3. A facility totaling more than one hundred seventy-five thousand square feet in size that is owned by a not-for-profit corporation, is located within the downtown code (DTC) district as defined in Title 17 of this code, and includes a concert hall at which live symphonic music is regularly performed.
4. A performing arts facility meeting the definition in subsections 2. and .3 above may enter into a management agreement with a concessionaire for the provision of food or beverage service (including beer) on its premises, provided that the concessionaire obtains a beer permit pursuant to this chapter. Such concessionaire shall also be considered a performing arts facility under this subsection. The premises of a performing arts facility meeting the definition in subsections 2. and 3. above shall include all enclosed and outdoor areas of the property.

"Permit" means any permit issued pursuant to this chapter.

"Permittee" means any person to whom any permit has been issued pursuant to this chapter.

"Place of worship" means a building or property where a congregation regularly meets at least one day per week for religious worship.

"Premises" means a building, portion of a building, or property that is utilized for a particular business enterprise.

"Resident" means any person who at present is living within Davidson County within the intent that his permanent home shall be within such county.

"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.

"Responsible vendor program" means the program under which vendors and clerks can be certified.

"Retailer" means any person licensed by the metropolitan beer permit board who sells beer for consumption and not for resale.

"Retailer off-sale permit" means a permit issued by the metropolitan beer permit board to a retailer engaged in the sale of beer which is not to be consumed by the purchaser upon the premises of such permittee.

"Retailer on-sale permit" means a permit issued by the metropolitan beer permit board to a retailer engaged in the sale of beer which is to be consumed by the purchaser only upon the premises of such permittee.

"Retailer special events permit" means an on-sale beer permit issued by the metropolitan beer permit board to a retailer engaged in the sale of beer in conjunction with activities which will last for a specified period of time, including, but not limited to, fairs, bazaars, and similar public or private social events.

"School" means a public or private daycare, preschool, kindergarten, elementary, middle or high school.

"Sell" means and includes taking or receiving an order for, keeping or exposing for sale, delivering for value, keeping for intent to sell and trafficking in beer.

"Vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption.

"Wholesale beer permit" means a permit issued by the metropolitan beer permit board to distributors selling beer solely to retailers.

"Wholesaler" means any person who sells beer to retailers.

(Ord. BL2023-119 § 1, 2024; Ord. BL2023-119 § 1, 2024; Ord. BL2021-1011 § 1, 2021; Ord. BL2019-1732 § 1, 2019; Ord. BL2018-1405 § 1, 2018; Ord. BL2017-654 § 3, 2017; Ord. BL2017-584 § 3, 2017; Ord. BL2016-383 § 1, 2016; Ord. BL2014-822 § 1, 2014; Ord. BL2014-781 § 1, 2014; Ord. BL2009-587 § 1, 2009; Ord. BL2009-459 §§ 1—3, 2009; Ord. BL2004-498 § 1, 2005; Ord. 2002-984 § 1, 2002; Ord. 99-1794 §§ 2, 7 (part), 1999; Ord. 98-1430 § 2, 1998; Ord. 95-1492 § 1, 1995; prior code § 5-1-7)

Article I. Wholesale and Retail Permits

7.08.020 Required.

No person shall sell or manufacture beer within the territorial jurisdiction of the metropolitan government without being the holder of a valid annual permit issued by the metropolitan beer permit board.

(Ord. BL2018-1405 § 2, 2018; prior code § 5-1-14)

7.08.030 Types of permits.

The following types of permits may be issued by the metropolitan beer permit board:

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- A. A wholesaler's permit shall be issued to each distributor, manufacturer, brewer or brewery or manufacturer's branch selling beer only directly to retailers.
 - B. A manufacturer's permit shall be issued to each beer manufacturer engaged in the manufacturing and storage of beer.
 - C. A retailer's "off-sale" permit shall be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller.
 - D. A retailer's "on-sale" permit shall be issued to any person engaged in the sale of beer where the beer is to be consumed by the purchaser or guests upon the premises of the seller and meets the requirements of any of the following:
 - 1. An establishment meeting the requirements for an on-premise beer permit may be issued an on-premise beer permit. An on-premise beer permit may be issued to regularly conducted hotels or motels and to regularly incorporated clubs and lodges in which places beer may be sold and consumed by the purchaser when a retailer's on-sale permit has been issued for the premises.
 - 2. An establishment meeting the requirements for a food truck may be issued a food truck beer permit.
 - 3. An establishment meeting the requirements for a mobile establishment may be issued a mobile beer permit.
 - E. A caterer's permit shall be issued to any person who has obtained a caterer license from the state alcoholic beverage commission for sale and consumption of wine and other alcoholic beverages, pursuant to Chapter 4 of Title 57 of the Tennessee Code Annotated (T.C.A. § 57-4-101 et seq.), and who is engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the catered event site.
 - F. A retailer's special events permit shall be issued to any person engaged in the sale of beer for consumption by the purchaser upon the premises of the seller for a specified period of time, and in conjunction with certain types of activities, including, but not limited to fairs, bazaars, and similar public or private social events.
 - G. A retailer's curbside/delivery permit shall be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller and the purchaser has the option to take possession of the beer curbside or have the beer delivered to a location other than the retailer's premises. Retailers holding curbside/delivery permits shall maintain records of all off-premise sales and deliveries. All persons authorized to sell beer at retail shall pay the taxes required by Tennessee Code Annotated § 57-6-103(a), if applicable.
 - H. A mobile BYO beer permit shall be issued to a mobile establishment and grants the right to allow a customer to store, open and consume BYO beer on the premises of a mobile establishment, under the supervision of the mobile establishment. A mobile establishment shall be responsible for enforcement of all applicable laws respecting beer under this Title 7.
 - I. The board may authorize the executive director of the metropolitan beer permit board to issue temporary permits not to exceed thirty days duration in any of the above categories under such terms and conditions as the board may establish not inconsistent with this title.
 - J. All permits issued hereunder shall be a mere grant or privilege to carry on the business during the term of the permit subject to all the terms and conditions imposed by the Charter and related laws, applicable provisions of the Tennessee Code Annotated, and other ordinances of the city relating to these businesses.

(Ord. BL2021-1011 §§ 2, 3, 2021; Ord. BL2020-455 § 1, 2020; Ord. BL2018-1405 § 3, 2018; Ord. BL2004-498 § 2, 2005; Ord. 99-1794 § 3, 1999; Prior code § 5-1-15)

7.08.040 Application—Requirements and conditions.

- A. The owner of any business desiring to sell, distribute, manufacture, or store beer within the metropolitan government area may file an application in person, or by any method deemed acceptable by the metropolitan beer permit board, under oath, for a permit. The application shall be filed at least ten days prior to the date of hearing said application. The board may waive this ten-day requirement if it deems it appropriate. No permit shall be issued until the board has approved the application, which shall contain questions necessary to the determination of whether the applicant has met all laws of this state and all provisions of this code and other ordinances of the metropolitan government then in effect. The form of such application shall be prescribed by the board and approved by the metropolitan department of law.
- B. To be eligible for a permit, the applicant shall establish the following:
1. That no beer will be sold except at places where such sale will not cause congestion of traffic or interference with schools, places of worship, or other places of public gathering, or otherwise interfere with public health, safety and morals; provided however, nothing in this subsection shall apply to places of business that are located in the terminal or main building at public airports serviced by commercial airlines with regularly scheduled flights;
 2. That no sale shall be made to persons under twenty-one 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 has 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 years; and,
 4. That no sale shall be made for on-premise consumption unless the permit so states.
 5. That no person having at least a five percent ownership interest in the establishment has been released from incarceration within the past ten years for conviction of any crime involving moral turpitude. Proof of the date of release from incarceration of any applicant convicted of any crime involving moral turpitude shall be furnished by the applicant to the beer board prior to the consideration of such application. For purposes of this subsection, "moral turpitude" means premeditated murder, all sex related crimes, the illegal sale of Schedule I and II controlled substances, and crimes of fraud or embezzlement.
- C. An applicant shall disclose the following information in the application:
1. Name of the applicant;
 2. Name of the applicant's business;
 3. Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this chapter;
 4. If beer will be sold at two or more restaurants or other businesses within the same building pursuant to the same permit as provided in Section 7.08.230D, and a description of all such businesses;
 5. All persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a five percent ownership interest in the applicant;
 6. Identity and address of a representative to receive annual tax notices and any other communication from the board;

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7. 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 has 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 years;
 8. Whether or not the applicant is seeking a permit which would allow the sale of beer either for on-premises consumption or for off-premises consumption, or both of the foregoing; and,
 9. Such other information, relevant and material to the protection of the health, safety and morals of the inhabitants of the metropolitan government area as may be required by the board, in its discretion.
 10. Whether any person having at least a five percent ownership interest in the establishment has been released from incarceration within the past ten years for conviction of any crime involving moral turpitude. For purposes of this subsection, "moral turpitude" means premeditated murder, all sex related crimes, the illegal sale of Schedule I and II controlled substances, and crimes of fraud or embezzlement.
- D. No permittee shall open his premises to the public for the sale of beer until the permittee shall have first filed with the board floor plans and diagrams completely disclosing and designating a physical arrangement of the premises, should the board so require of any applicant.
 - E. The board shall have the right to issue a beer permit to any person, firm, corporation, syndicate, joint-stock company, or association carrying on any other regular business to store and sell, in connection therewith, such beer.
 - F. If the holder of a beer permit for either off-premises or on-premises consumption desires to change the permit holder's method of sale, the permit holder shall apply to the board for a new permit.
 - G. An applicant or permit holder shall amend or supplement the information provided in its application promptly if a change in circumstances affects the responses in its application.
 - H. 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.
 - I. Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndicate, or association.

(Ord. BL2017-1032 § 1, 2018; Ord. BL2017-654 § 4, 2017; Amdt. 1 to Ord. BL2008-349 § 1, 2008; Ord. BL2008-349 § 1, 2008; Ord. BL2003-1497 § 1, 2003; Ord. 99-1794 § 4, 1999)

7.08.050 Application—Submittal to police department before approval.

- A. The metropolitan beer permit board shall submit the necessary information of each applicant for a permit to the police department for the purpose of ascertaining if the applicant has ever been arrested or convicted of any offense which would prohibit the issuance of a permit.
- B. Alternatively, the police department may provide the board with computer access to their records revealing the required information and provide assistance so that the board may conduct its own checks.

(Ord. 99-1794 § 5, 1999)

7.08.060 Fees—Application, renewal and change in management.

- A. All applications for the issuance of permits by the metropolitan beer permit board shall be accompanied by an application fee of two hundred fifty dollars. Said fee shall be used in offsetting the expenses of investigating the applicant and processing the application. No portion of the fee shall be refunded to the applicant whether an application is approved or denied.
- B. All permit holders shall pay an annual privilege tax of one hundred dollars to the metropolitan beer permit board for the privilege of selling beer within the state, pursuant to Tennessee Code Annotated Section 57-5-104(b)(1).
 - 1. Any person, firm, corporation, joint-stock company, syndicate or association engaged in selling, distributing, storing or manufacturing beer shall remit the tax on January 1, 2000, and each successive January 1st to the metropolitan beer permit board.
 - 2. The metropolitan beer permit board shall mail written notice to each permit holder of the payment date of the annual tax at least thirty days prior to January 1st of each year. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31st or within thirty days after written notice of the tax was mailed, whichever is later, then the metropolitan beer permit board shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten days after receiving notice of its delinquency by certified mail, then the permit may be suspended, revoked or the permit holder may be given a civil penalty subject to procedures set forth at Tennessee Code Annotated Section 57-5-108 and Section 7.08.110 of this chapter.
 - 3. The metropolitan government may use these tax funds for any public purpose.
 - 4. At the time a new permit is issued to any business subject to this tax, 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.

(Ord. 99-1794 § 6, 1999)

7.08.070 Conditions of permits.

Every person to whom a beer permit is issued agrees to the following conditions:

- A. The premises are declared to be a public place for the purpose of inspection by the beer inspectors, by officers of the police department or by any other duly authorized law enforcement officer.
- B. The permit holder shall keep invoices and all other memoranda fully descriptive relating in any way to the storing, sale, distribution by sale or gift or manufacture of beer, and he shall permit the director of finance or his duly authorized agents, representatives or employees to inspect, at any time during the business hours of the day, all such articles, containers, packages, invoices, books, papers and memoranda as may be deemed necessary in the opinion of the director of finance or his authorized agent, representative or employee in ascertaining whether or not all state and local taxes have been paid or in determining the amount of such taxes that may be due.
- C. The permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law.
- D. The holder of a retailer's "off-sale" permit shall post, in a prominent place easily seen by customers, a sign supplied by the metropolitan beer permit board that includes the following language:

It is unlawful to possess any alcoholic beverage in an opened glass, aluminum, or metal container on these premises or other area generally open to the public.

(Ord. 2003-1476 § 1, 2003; prior code § 5-1-18.1)

7.08.080 Permit to state location where sale is authorized.

The specific address or description of the premises where beer is authorized to be sold shall be stated on the face of each permit issued by the metropolitan beer permit board, and no permit shall be valid unless such address or description of the premises is stated on the face of such permit.

(Prior code § 5-1-21)

7.08.090 Location restrictions—Issuance of permit after revocation.

- A. 1. No beer permit shall be issued to an applicant whose location is less than one hundred feet from a place of worship, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one or two families. One- or two-family dwellings shall not be construed to include house trailers, on wheels or otherwise.
- a. Exceptions. The minimum distance requirements contained herein shall not be applicable to:
- i. Any location which is in the DTC or CF zone districts;
 - ii. Establishments which are:
 - (a) located within the urban services district;
 - (b) selling beer for on-premises consumption only; and
 - (c) separated by a state or federal highway consisting of no less than four lanes of traffic excluding parking lanes, from all places of worship, schools or its playgrounds, parks, licensed day care centers or nursery schools or its playgrounds, or dwellings for one or two families that are otherwise less than one hundred feet from such establishments.
 - iii. Retailer on-sale beer permits for any location that is on a lot in the MUL district under the provisions of Title 17 of the Metropolitan Code of Laws so long as:
 - (a) a retailer on-sale beer permit is obtained prior to April 30, 2003;
 - (b) more than fifty percent of the gross sales of said applicant for said location is derived from food sales, excluding sales of alcoholic beverages; and
 - (c) thereafter said permit is held without lapse of more than three hundred sixty-five days, regardless of any change of ownership.
 - iv. Any retailer on-sale beer permit issued to any metropolitan arena. No retailer off-sale beer permit may be issued to any metropolitan arena which does not comply with the minimum distance requirement set forth above. Additionally, all premises which are permitted under these provisions which are arenas for entertainment and sporting events shall provide designated seating which shall be "alcohol free" in the facility for events when beer or other alcoholic beverages are sold;
 - v. A catered event by the holder of a valid caterer's permit issued pursuant to this chapter.
 - vi. Any location for which a beer permit was in effect within three hundred sixty-five days of May 26, 1992, the effective date of the ordinance codified in this subsection A and, further, shall not

affect said location thereafter so long as a beer permit is held for that location without lapse of more than three hundred sixty-five days, even if there is a change of ownership of the location or the business thereon;

- vii. Any Retailer Special Events permit wherein the footprint of the event is less than one hundred feet from a place of worship, a school or its playground, a park, a licensed day care center or nursery school or their playgrounds, or a dwelling for one or two families, and the metropolitan beer permit board grants an exemption after consideration of rules promulgated by the board.
2. Any metropolitan arena which has a retailer on-sale beer permit issued under the provisions of Section 7.08.090(A)(1) shall be subject to the following provisions and restrictions:
- a. For any public event conducted in such metropolitan arena which shall have an attendance of two thousand five hundred or more persons shall file with the metropolitan beer board, prior to such event, a detailed plan which provides for the following:
 - i. The number of persons selling or distributing beer,
 - ii. Locations and numbers of security personnel used to monitor the distribution and consumption of beer,
 - iii. Locations and number of police officers to be present,
 - iv. Methods of controlling amount of alcoholic beverages to be sold to individuals,
 - v. Times during the event that the sale of beer and other alcoholic beverages will begin and terminate, and
 - vi. Indication of method under which the plan was developed (i.e., past history of similar events, research of similar events conducted at other locations, etc.);
 - b. For any public event conducted in such metropolitan arena which shall have an attendance of two thousand five hundred or more persons and beer and/or other alcoholic beverages are to be sold, there shall be an area provided within the premises to house individuals who are unruly. Such area shall be separated from the activities of said event and shall be so located to properly protect the safety of persons to be detained as well as the general public;
 - c. The sale or consumption of beer shall not be permitted at any event open to the public by ticket sales or otherwise which is primarily conducted for the attendance of minors or children;
 - d. The permit holder shall provide the metropolitan beer board satisfactory evidence that all persons selling or distributing beer or other alcoholic beverages under said permit shall have completed a program of effective alcohol management such as T.E.A.M. (Techniques of Effective Alcohol Management), ASK (Alcohol Servers Knowledge program), or other such program as required by the Alcoholic Beverage Commission of the State of Tennessee;
 - e. Provided, however, no retailer off-sale beer permit or special permit may be issued under the provisions of ordinance codified in this section which does not comply with the minimum distances and other requirements as otherwise required.
3. Distances shall be measured in a straight line from the closest point of the applicant's building to the closest point of the building of the place of worship or dwelling; from the closest point of the applicant's building to the closest boundary of a park; from the closest point of the applicant's building to the closest boundary of a public school of the board of public education of the metropolitan government; and from the closest point of the applicant's building to the closest point of the building of a school, licensed day care center or nursery school, or to the closest boundary of the playground of the school, day care center or nursery school, whichever is closest to the applicant's building.

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- B. No permit shall be issued to any person for a location which fails to comply with any health ordinances or any regulation of the department of health or which would violate any zoning ordinance of the metropolitan government.
- C. Where a beer permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises to the same business enterprise or its employees operating the premises until after the expiration of one year from the date such revocation becomes final and effective; provided, however, said premises shall be eligible for the issuance of a new beer permit to a business enterprise or its employees, an owner and/or lessee who was not subject to the revocation of a beer permit at such location provided all requirements of the code regarding the location of on-sale and/or off-sale beer permits shall be met. However, a permit shall not be issued to a partner, employee, associate or relative of the holder of a revoked permit if said relationship existed at the time of the offense.
- D. No permit shall be issued where the applicant has had revoked, within ten years, either a permit issued for the sale of beer by any board duly created within the county or municipality of this state or any license for the sale of liquor in any form by the alcoholic beverage commission of this state.
- E. Exemption by resolution after public hearing.
1. Notwithstanding any other provision of this section to the contrary, any restaurant or any retail food store as defined below, shall be exempt from the minimum distance requirements set forth in subsection A. of the section upon the adoption of a resolution, after a public hearing, by the metropolitan council receiving twenty-one affirmative votes approving the exemption of the restaurant or retail food store from said minimum distance requirements. The metropolitan clerk shall notify the board in writing upon the adoption of a resolution approving an exemption from the minimum distance requirements.
 2. A "retail food store" for purposes of subsection E.1. above means an establishment that is open to the public that derives at least twenty percent of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in Tennessee Code Annotated Section 67-6-228(a) and has retail floor space of at least ten thousand square feet. An applicant can meet the requirements of this subsection E.2. by filing an affidavit with the metropolitan beer permit board which creates a rebuttable presumption that the applicant qualifies as a retail food store.
 3. Notwithstanding any other provision of this section to the contrary, any holder of a validly issued Brewer's Notice from the United States Alcohol and Tobacco Tax and Trade Bureau shall be exempt from the minimum distance requirements set forth in subsection A. of the section upon the adoption of a resolution, after a public hearing, by the metropolitan council receiving twenty-one affirmative votes approving the exemption of the establishment from said minimum distance requirements. The metropolitan clerk shall notify the board in writing upon the adoption of a resolution approving an exemption from the minimum distance requirements.
 4. The board shall notify the councilmember for the district in which the applicant establishment is located in writing within five business days from the date the application is filed requesting the waiver of distance requirements.
 5. The public hearing required by this subsection shall be conducted by the council at a regular meeting of the council. Public notification of the hearing shall be conducted pursuant to the public notification requirements for amendments to the official zoning map in accordance with Article XV of Chapter 17.40 of the metropolitan code, provided that notice by mail shall be sent to all property owners within six hundred feet of the establishment seeking the exemption from the minimum distance requirements not later than fourteen days prior to the scheduled public hearing on the resolution. Further, a public notice sign meeting the general requirements of Section 17.40.730 of the metropolitan code shall be posted on the property of the applicant seeking the exemption from the minimum distance requirements at least fourteen days prior to the scheduled public hearing. The costs for the public

notification requirements shall be paid by the applicant, in addition to the regular application fee pursuant to Section 7.08.060 of this chapter. The applicant shall coordinate the scheduling of the public hearing with the metropolitan clerk's office prior to the filing of the resolution for purposes of including the date and time of the public hearing in the public notice to be mailed.

6. Failure of a retail food store permit holder that is exempted from the distance requirements pursuant to this subsection to meet the applicable requirements in subsection E.2. above shall constitute grounds for revocation of a permit for the sale of beer. Upon revocation of a beer permit for failure to meet the applicable requirements in subsection E.2., the retail food store applicant shall be required to reapply for the permit without being exempted from any distance requirements.
 7. Notwithstanding any other provision of this section to the contrary, any holder of a validly issued Wholesaler Basic Permit from the United States Alcohol and Tobacco Tax and Trade Bureau shall be exempt from the minimum distance requirements set forth in subsection A. of the section upon the adoption of a resolution, after a public hearing, by the metropolitan council receiving twenty-one affirmative votes approving the exemption of the establishment from said minimum distance requirements. The metropolitan clerk shall notify the board in writing upon the adoption of a resolution approving an exemption from the minimum distance requirements.
- F. Notwithstanding any other provision of this section to the contrary, no on-premises beer permit shall be revoked or denied solely because the expansion of the footprint of the building causes the establishment to be located within one hundred feet of a school that received an occupancy permit from the department of codes administration after the permit holder obtained the initial beer permit. Further, if an on-premises beer permit holder sells the business establishment after a school locates within one hundred feet of the establishment, an on-premises beer permit shall not be denied for the new owner solely as a result of its proximity to said school as long as the new owner applies for the on-premises beer permit within three hundred sixty-five days after the expiration of the previous owner's beer permit.
- G. Notwithstanding any other provision of this section to the contrary, the location restrictions provided in subsection A. prohibiting a beer permit from being issued to an applicant whose location is within one hundred feet of a one or two family dwelling shall not apply if the only single or two family dwelling within one hundred feet is connected to the structure for which the permit is sought and is the primary dwelling of the permit holder.
- H. No retailer off-sale permit shall be issued to an applicant whose location is within or attached to an indoor shopping mall that has a community center operated by the metropolitan department of parks and recreation and/or a public library on the premises. For purposes of this subsection, "indoor shopping mall" means a shopping center with stores and businesses facing a system of enclosed walkways for pedestrians.

(Ord. BL2023-2007 § 1, 2023; Ord. BL2019-1732 § 1, 2019; Ord. BL2018-1405 §§ 4, 5, 2018; Ord. BL2017-907 §§ 1, 2, 2017; Ord. BL2017-654 § 5, 2017; Ord. BL2016-454 §§ 1, 2, 2016; Ord. BL2016-330 §§ 1, 2, 2016; Amdt. 1 to Ord. BL2016-160 § 1, 2016; Ord. BL2016-160 § 1, 2016; Ord. BL2015-1278 § 1, 2015; Amdt. 1 to Ord. BL2014-840 § 1, 2014; Ord. BL2014-840 § 1, 2014; Ord. BL2014-742 § 1, 2014; Amdt. 1 to Ord. BL2014-697 § 1, 2014; Ord. BL2014-697 § 1, 2014; Ord. BL2010-714 § 1, 2010; Ord. BL2010-710 § 1, 2010; Ord. BL2009-587 § 1, 2009; Ord. BL2004-498 § 3, 2005; Ord. BL2003-1353 § 1, 2003; Ord. BL2002-1162 § 1, 2002; Ord. BL2000-442 § 1, 2000; Ord. BL2000-405 § 1, 2000; Ord. BL99-118 § 1, 2000; Ord. 99-1794 § 7 (part), 1999; Ord. 98-1325 § 1, 1998; Ord. 97-924 § 1, 1997; Amdts. 1, 2, 3, 4 to Ord. 94-1315, 6/6/95; Ord. 95-1315 § 1, 1995; Ord. 92-448 § 1, 1992; Ord. 92-434 § 1, 1992; Ord. 92-406 § 1, 1992; Amdt. 2 to Ord. 92-246, 4/21/92; Amdt. 1 to Ord. 92-246, 4/21/92; Ord. 92-246 § 2, 1992; Amdt. 1 to Ord. 91-1552; 4/22/91; Ord. 91-1552 § 1, 1991; Ord. 90-1435 § 1, 1990; Amdt. 1 to Ord. 89-1033, 12/5/89; Ord. 89-1033 §§ 1, 2, 1989; prior code § 5-1-18.2)

7.08.100 Retailer on-sale beer permit—Issuance requirements.

Establishments holding retail on-sale beer permits shall be constructed of such material that the floors, walls, ceilings, carriages and vehicles can be easily cleaned and kept clean.

(Ord. BL2021-1011 § 4, 2021; Ord. BL2014-743 § 1, 2014; Ord. 2002-984 § 2, 2002; Ord. 99-1794 § 7 (part), 1999; prior code § 5-1-18.3)

7.08.105 Caterer's permit—Issuance and notice requirements—Location restrictions.

In addition to the other requirements of this chapter:

- A. No caterer's permit shall be issued to a person who does not hold a valid caterer license from the state alcoholic beverage commission for sale and consumption of wine and other alcoholic beverages pursuant to Chapter 4 of Title 57 of the Tennessee Code Annotated (T.C.A. § 57-4-101 et seq.). Should the holder of a caterer's permit cease to hold a valid caterer license from the state alcoholic beverage commission, such caterer's permit shall be automatically deemed revoked by the board.
- B. No caterer's permit shall be issued to a person who does not hold a valid retailer's "on-sale" permit for its permanent catering hall issued pursuant to the provisions and requirements of this chapter, including the location restrictions specified in Section 7.08.090.
- C. All caterer's permit holders shall be required to give advanced written notice to the beer board office via facsimile or U.S. mail, not later than one business day prior to each event for which beer will be sold and consumed. Such notice shall include, but not be limited to, the date, time, and location of the event.
- D. No caterer's permit shall be valid for the sale and consumption of beer on any premises for which a retailer's "on-sale" permit has been revoked within the past twelve-month period, nor shall a caterer's permit be used for the sale and consumption of beer on any premises owned or leased by a person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent ownership interest in the establishment that has had a retailer's "on-sale" permit revoked within the past twelve-month period.
- E. No caterer's permit shall be valid for the sale and consumption of beer on any premises within one hundred feet from a place of worship or a school or its playground, unless the catered event is sponsored and held by the place of worship or private school for the benefit of said place of worship or school.

(Ord. BL2017-654 § 6, 2017; Ord. BL2005-866 § 1, 2005; Amdt. 1 with Ord. BL2004-498 § 4, 2005)

7.08.110 Suspension and revocation of permit—Authority.

- A. The metropolitan beer permit board shall have the power to revoke or suspend, and shall be charged with the duty of revoking or suspending, any permits issued by it, upon notice to the permittee and a hearing thereon, for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages or for any violation of any provision of this code or any other ordinance of the metropolitan government or of any private act, county court resolution or City of Nashville ordinance which has the effect of an ordinance of the metropolitan government regulating beer or other intoxicating beverage, or when the permittee:
 1. Operates a disorderly place;

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2. Permits boisterous or disorderly conduct on the premises;
 3. Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude;
 4. Permits minors to congregate about the premises;
 5. Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business on the same premises, unless he shall notify the board in writing immediately upon such sale or transfer, and shall surrender his license within thirty days after said sale or transfer;
 6. Has made a false statement of a material fact in any application or notice to the board;
 7. Sells or allows to be sold on the premises of the permittee any beer to any person under the age of twenty-one years; or
 8. Sells or allows to be sold on the premises of the permittee beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer.
- B. Pursuant to Tennessee Code Annotated § 57-5-608, the beer board shall not revoke or suspend a permit because of the sale of beer to a minor if, at the time of the sale: (1) the permit holder was a responsible vendor, and (2) the clerk who made the sale was certified under the Responsible Vendor Program, or had been employed for sixty-one days or less. If the permit holder's certification has been revoked, the permit holder shall be punished by the beer board as if the vendor were not certified as a responsible vendor.
- C. In lieu of any suspensions that might have been imposed but for the restrictions set forth in subsection B; the beer permit board may impose a civil penalty not to exceed one thousand dollars. If the beer board determines that a clerk of an off-premises beer permit holder certified under the Responsible Vendor Program sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen days after such determination by the board.

(Ord. BL2009-459 §§ 4, 5, 2009; Ord. 99-1794 §§ 8 (part), 9, 1999; prior code § 5-1-23)

7.08.120 Draft beer defined—Off-premises consumption sales.

- A. Draft beer may be sold for off-premises consumption only by the holder of an off-sale beer permit.
- B. "Draft beer," as defined in this section, means beer which is poured from a pressurized container or keg into a container approved by the State of Tennessee, which is then commercially sealed. The process of pouring the beer into the container and commercially sealing same shall take place on the premises of the retailer in an area separate from the area which the public may use.

(Ord. 99-1794 §§ 7 (part), 8 (part), 1999; prior code § 5-1-15.1)

7.08.130 Prohibited acts—Generally.

It is unlawful for any person:

- A. To bring, to cause, or allow to be brought onto the premises of any permittee under the provisions of this chapter any prohibited drugs within the meaning of Tennessee Code Annotated, Sections 53-10-101, et seq., and 39-17-401, et seq.,
- B. To bring, to cause, or allow to be brought onto the premises of any permittee under the provisions of this chapter any intoxicating beverage, the alcoholic content of which is in excess of eight percent by weight, unless such permittee is the holder of a valid license issued under the authority of Tennessee

Code Annotated, Title 57, Chapter 4 (T.C.A. § 57-4-101 et seq.); provided, however, that any permittee that is the holder of a Brewer's Notice from the United States Alcohol and Tobacco Tax and Trade Bureau, and such permittee is adjacent to and shares common interior and/or enclosed exterior areas with a distillery that holds a valid license issued under the authority of T.C.A. § 57-3-202, shall be allowed to permit alcoholic beverages, whether open or sealed, from such distillery to be brought onto the premises of the permittee as long as any sealed containers remain sealed while on the premises of the permittee;

- C. Being under the age of twenty-one years, to have in his or her possession beer for any purpose, except that any person eighteen years of age or older may transport, possess, sell or dispense alcoholic beverages, wine or beer in the course of his or her employment.

(Ord. BL2017-866 § 1, 2017; Ord. BL2017-584 § 4, 2017; Ord. 99-1794 §§ 8 (part), 10, 1999)

7.08.140 Prohibited acts—By permit holders, agents or employees.

It is unlawful for any beer permit holder or his agent or employee:

- A. To employ any person convicted for the possession, sale, manufacturing or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten years;
- B. To employ any person that has been released from incarceration within the past ten years for conviction of any crime involving moral turpitude. For purposes of this subsection, "moral turpitude" means premeditated murder, all sex related crimes, the illegal sale of Schedule I and II controlled substances, and crimes of fraud or embezzlement.
- C. To make or permit to be made any sale of beer to a person under twenty-one years of age;
- D. To sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from three o'clock (3:00) a.m. to six o'clock (6:00) a.m. on weekdays and from three o'clock (3:00) a.m. to ten o'clock (10:00) a.m. on Sundays. This provision shall not apply to any beer permit holder that is permitted by Section 57-4-203(d)(6) of the Tennessee Code Annotated, as enacted by House Bill 1289 (2017 Tenn. Pub. Ch. 371), to sell or give away alcoholic beverages at any time of day except for the hour between three o'clock (3:00) a.m. and four o'clock (4:00) a.m. Such permit holders may sell, give away, or allow the consumption of beer on their premises during any hours they are permitted by state law to sell or give away alcoholic beverages;
- E. To allow any person under eighteen years of age to loiter or congregate about the premises. The burden of ascertaining the age of minor persons shall be on the permit holder and his agent or employee. When a minor is seated at a table, there shall be no beer served at the table unless such minor is accompanied by a parent or guardian. When a minor is seated at a mobile establishment that holds a mobile beer permit or mobile BYO beer permit, there shall be no beer served unless such minor is accompanied by a parent or guardian;
- F. To make false statement of a material fact in his application for any beer permit;
- G. To operate a disorderly place;
- H. To knowingly allow beer to be passed from a lawful purchaser or possessor to a minor for consumption on the premises of the permit holder. The burden of ascertaining the age of persons who may not lawfully possess beer shall be on the permit holder and his agent or employee;
- I. For a retailer to knowingly sell to a lawful purchaser who purchases beer for consumption by a minor. The burden of ascertaining the age of persons who may lawfully possess beer shall be on the permit holder and his agent or employee;

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- J. To permit rowdy or disorderly conduct on the premises;
 - K. To sell or transfer the equipment or assets of the business authorized by his permit to another for the purpose of continuing the business on the same premises, unless he shall notify the board in writing immediately upon such sale or transfer, and unless he shall give the name and address of the purchaser within said notice. A beer permit holder shall surrender his license to the board within thirty days after the sale or transfer is consummated;
 - L. Make or allow any sale to any intoxicated person or to any feebleminded, insane or otherwise mentally incapacitated person;
 - M. Allow any intoxicated person to loiter on or about his premises;
 - N. For a retailer or wholesaler, to store beer in any place other than the address listed on the permit;
 - O. To sell or allow to be sold on the premises of the permittee beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer;
 - P. To allow gambling or gambling devices of any kind or description contrary to state law on the premises;
 - Q. To allow solicitation for purposes of prostitution on the premises;
 - R. To allow or engage in any criminal activity on the premises.

(Ord. BL2021-1011 §§ 5, 6, 2021; Ord. BL2018-1440 § 1, 2019; Ord. BL2017-834 § 1, 2017; Ord. BL2014-654 § 1, 2014; Ord. BL2013-633 § 1, 2014; Ord. BL2013-592 § 1, 2013; Ord. BL2008-349 § 2, 2008; Amdt. 1 with Ord. 2003-1363 § 1, 2003; Ord. 99-1794 §§ 8 (part), 11, 1999; Ord. 93-669 §§ 1, 2, 1993; Amdt. 1 to Ord. 91-2, 10/15/91; Ord. 91-2 § 1, 1991; prior code § 5-1-23.3)

7.08.150 Suspension and revocation of permit—Civil penalty options.

- A. In addition to its authority in Section 7.08.110, the beer permit board may, at the time it imposes a suspension, offer a permit holder the alternative of paying a civil penalty not to exceed one thousand dollars provided however that the amount of the civil penalty may be increased to an amount not to exceed two-thousand five hundred dollars in the case of a sale to a minor by a permit holder that is not a responsible vendor. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven 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 violation so charged and shall be paid to the exclusion of any other penalty that may be imposed.
- B. Revocation, suspension or imposition of a civil penalty may be made where it appears satisfactorily that the premises of any person, firm or corporation holding a beer permit under this chapter are being operated in such manner as to be detrimental to public health, safety and morals.
- C. The action of the board in connection with the issuance of any order revoking or suspending a beer permit or imposition of a civil penalty may be reviewed by statutory writ of certiorari, with a trial de novo as a substitute for an appeal, the petition of certiorari to be addressed to the circuit or chancery court of Davidson County. The procedures in Tennessee Code Annotated Section 57-5-108 are the sole method for review of decisions under this section, as they may be amended.
- D. Where a permit is revoked, no new license shall be issued to permit sale of beer on the same premises until the expiration of one year from the date the revocation becomes final and effective. The board may, in its discretion, determine that issuance of a license or permit before the expiration of one year from the date of revocation becomes final is appropriate, if the individual applying for such issuance is not the original holder

of the license or any family member who could inherit from such individual under the statute of intestate succession, or, if any new owner is not in any way associated with the owner whose permit was revoked.

- E. The board may revoke or suspend a permit or impose a civil penalty on any beer retailer who is found to possess beer on which the state beer barrelage tax and the county wholesale beer tax has not been paid. The burden of proof shall be on the permit holder to show the taxes on the beer have been paid by showing that the beer was purchased from a Tennessee beer wholesaler by providing a bill of sale or invoice showing name and address of the retailer and wholesaler and the number of containers of each brand purchased, and which shall be signed by the retailer.
- F. A beer permit of a responsible vendor may be permanently revoked only if the permit holder has had two or more violations of selling beer to a minor within a twelve month time period.

(Amdt. 1 to Ord. BL2009-459 § 6, 2009; Ord. BL2009-459 §§ 6, 7, 2009; Ord. 99-1794 § 12, 1999)

Article II. General Regulations

7.08.160 Permitted activities.

It is lawful to transport, store, sell, distribute, possess, receive and manufacture beer, as defined in Section 7.08.010, within the geographical area of the metropolitan government, subject to all regulations, limitations and restrictions provided in this title.

(Ord. 99-1794 § 8 (part), 1999; prior code § 5-1-8)

7.08.170 Restrictions on sales by wholesalers.

It is unlawful for any authorized wholesaler to sell beer to anyone other than a person, firm, corporation, syndicate or association having been authorized and licensed by any city or county as a retailer by a board duly created for the purpose of licensing retail establishments. Provided, however, if a retail business has posted a beer permit, which on its face appears to be valid, a wholesaler who sells beer to the retail business will not be deemed to have violated the provisions of this section.

(Amdt. 1 with Ord. 99-1794 §§ 8 (part), 17, 1999; prior code § 5-1-9)

7.08.180 Limitations on purchases.

No permit holder, except an authorized wholesaler or an authorized manufacturer, may sell or store beer within the metropolitan government area unless such beer has been purchased directly from an authorized wholesaler.

(Ord. BL2018-1405 § 6, 2018; Ord. BL2008-349 § 3, 2008; Ord. 99-1794 § 8 (part), 1999; prior code § 5-1-10)

7.08.190 Retail sales and storage—Permit location only.

Retailers holding permits to sell beer are authorized to sell and store beer at only the location authorized by the metropolitan beer permit board and specifically designated on their respective permits as the place for which the permit is issued. The sale or storage of beer by a retailer at any place other than the location authorized by the board and specifically named on the face of his permit is prohibited.

(Ord. 99-1794 § 8 (part), 1999; prior code § 5-1-12)

7.08.200 Retail purchases and deliveries—Permit location only.

- A. Retailers holding permits from the metropolitan beer permit board are only authorized to deliver beer on the premises for which the permit is issued. The delivery of beer by a retail permit holder at any place other than the premises for which his permit is issued is prohibited. No retail permit holder shall enter into any agreement with any person or conspire with any person to cause beer to be delivered off of the premises for which his permit is issued or at any location other than the one authorized by his permit for the sale of beer.
- B. It shall be unlawful for any holder of a retail beer permit to knowingly permit the purchase of beer at his place of business by anyone for resale and delivery to another. Holders of retail beer permits issued by the board are prohibited from selling beer to any person when the retail permit holder knows or should have reason to know that such beer is purchased for resale and delivery off of the premises for which his permit is issued.

(Ord. 99-1794 § 8 (part), 1999; prior code § 5-1-13)

7.08.210 Resale prohibited when.

It is unlawful for any retailer holding a permit issued by the metropolitan beer permit board to purchase, accept as a gift or loan, or to receive, swap or exchange, beer, for the purpose of resale, from any person who is not the holder of a valid wholesale permit issued by the board.

(Ord. 99-1794 § 8 (part), 1999; prior code § 5-1-11)

7.08.220 Return of beer permit upon termination of business.

A permit holder must return his permit to the board within fifteen days of termination of the business, change in ownership, relocation of the business or change of the businesses name; provided that, regardless of the failure to return a beer permit, a permit shall expire upon termination of the business, change in ownership, relocation of the business or change of the business's name.

(Ord. 99-1794 §§ 8 (part), 13, 1999)

7.08.230 Valid permit—Limitations.

A permit shall be valid:

- A. Only for a single location, except as provided in subsections D and F of this section, and cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business. However, a permit holder for a business that is subject to the distance requirements set forth in this chapter, at Section 7.08.090, may not sell beer at a deck, patio and/or other outdoor serving area that is built after the date of the issuance of the permit.
- B. Only for a business operating under the name identified in the application.
- C. Only for the owner to whom the permit is issued and cannot be transferred to another owner. Should the ownership of a location change, the new owner shall apply for a new permit in accordance with Article I of Chapter 7.08. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent of the stock of the corporation is transferred to a new owner.

- D. Where an owner operates two or more restaurants or other businesses within the same building, the owner may at the owner's discretion operate some or all such businesses pursuant to the same permit.
- E. A business can sell beer for both on-premises and off-premises consumption at the same location pursuant to one permit.
- F. A caterer's permit is valid for each catering site, provided that the notice requirements of Section 7.08.105 are met.

(Ord. BL2004-498 § 5, 2005; Ord. 99-1794 § 14, 1999)

7.08.240 Hotels and motels.

- A. Any hotel or motel licensed under this chapter may dispense beer to adult guests through locked, in-room units.
- B. No minor shall be issued or supplied with a key by any hotel or motel for these units.

(Ord. 99-1794 § 15, 19

*Chapter 7.20 BEER AND ALCOHOLIC BEVERAGES OF LESS THAN EIGHT PERCENT*²*

Sections:

- 7.20.010 More than one place of business – Permitted when.**
- 7.20.020 Suspension and revocation of permit – Authority.**

Wholesalers and Manufacturers

7.20.010 More than one place of business—Permitted when.

- A. No wholesaler or distributor shall maintain more than one place of business unless such wholesaler or distributor has received a separate permit from the beer permit board for each place of business.
- B. If a wholesaler or distributor maintains a place of business that is contiguous to another permitted location, the requirement in subsection A. for separate permits from the beer permit board for each location shall not apply.
- C. Except sales from trucks by salesmen, no beer shall be transferred from, sold in, stored in, brought to rest in, sold from, possessed in, receipted for at, manufactured, wholesaled, or distributed from any other place, building, or location, except from such building, place, or location identified on the wholesaler, distributor, or manufacturer's beer permit. No beer shall be transferred to a retailer or any other purchaser except from the location identified on the wholesaler, distributor, or manufacturer's beer permit(s).

(Ord. BL2013-500 § 1, 2013; Ord. BL2012-114, § 1, 2012; Ord. 99-1794 § 16 (part), 1999; Ord. 93-579 §§ 2, 3, 1993; prior code § 5-2-69)

²**Editor's note**—Ord. BL2017-584, § 8, adopted March 7, 2017, renamed Ch. 7.20 to read as herein set out. Formerly, said chapter was entitled "Beer and Alcoholic Beverages of Less than Five Percent."

7.20.020 Suspension and revocation of permit—Authority.

In addition to any other penalty which may be imposed, the beer permit board shall have the power, within its discretion, in addition to any other penalty imposed, to suspend for a fixed period of time or to revoke permanently any wholesaler, distributor, retailer or manufacturer's beer permit, for any violation of this article, upon giving written notice to such wholesaler, distributor, retailer or manufacturer, in the manner and by the procedure prescribed by ordinance and the rules and regulations of the beer permit board governing the revocation of permits issued by it.

(Ord. 99-1794 § 16 (part), 1999; Ord. 93-579 § 4, 1993; prior code § 5-2-71)

Chapter 7.24 ALCOHOLIC BEVERAGE USE RESTRICTIONS

7.24.030 Prohibited acts or conduct—Enforcement authority.

- A. In addition to the other duties imposed by the metropolitan beer permit board by the Metropolitan Code of Laws, it shall be the duty of such board to enforce the provisions of this section and revoke or suspend the beer permit of any person, firm, corporation, syndicate or association, upon notice and hearing, for violation of the provisions of this section.
- B. The following acts or conduct have been declared contrary to public policy by the General Assembly of the State of Tennessee when such activities take place upon premises licensed by the alcoholic beverage commission, pursuant to Tennessee Code Annotated Sections 57-4-101, et seq.; and the same are declared to be against the public policy of the Metropolitan Government of Nashville and Davidson County, and therefore, no beer permit shall be held at any premises where such contract or acts are permitted:
 - 1. To employ, use or allow any person in the sale or service of beer or like alcoholic beverages in or upon the premises of a permittee while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
 - 2. To employ, use or allow the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subdivision 1 of this subsection;
 - 3. To encourage or permit any person on the premises of a permittee to touch, caress or fondle the breast, buttocks, anus or genitals of any other person;
 - 4. To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- C. Acts or conduct on premises licensed by the alcoholic beverage commission pursuant to Tennessee Code Annotated Sections 57-4-101, et seq. have been deemed contrary to public policy by the General Assembly of the State of Tennessee, and are declared against the public policy of the Metropolitan Government of Nashville and Davidson County; and, therefore, no beer permit shall be held at any premises where such conduct or acts are permitted. Live entertainment is permitted on premises of a permittee except that:
 - 1. No permittee shall permit any person to perform acts of or acts which simulate:

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- a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttocks, anus or genitals;
 - c. The displaying of the pubic hair, anus, vulva or genitals.
2. Subject to the provisions of subdivision 1 of this subsection, any entertainer who is employed in whole or in part by the permittee to dance at such permittee's premises shall perform only upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.
 3. No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.
 4. No permittee shall permit any person to remain in or upon the premises who exposes to public view any portion of his or her genitals or anus.
- D. The following acts or conduct have been declared contrary to public policy by the General Assembly of the State of Tennessee when such activities take place upon premises licensed by the alcoholic beverage commission, pursuant to Tennessee Code Annotated Sections 57-4-101, et seq.; and the same are declared to be against the public policy of the Metropolitan Government of Nashville and Davidson County; and, therefore, no beer permit shall be held at any premises where such conduct or acts are permitted:
1. The showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:
 - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - b. Any person being touch, caressed or fondled on the breast, buttocks, anus or genitals;
 - c. Scenes wherein a person displays the vulva or the anus or the genitals;
 - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(Ord. 90-1339 § 1 (5-7), 1990; prior code § 5-1-34)