ORDINANCE NO. 13-02
AN ORDINANCE TO AMEND TITLE 8 OF THE NOLENSVILLE MUNICIPAL CODE BY ESTABLISHING PACKAGE LIQUOR REGULATIONS

WHEREAS, the sale of retail package liquor was approved by the voters of the Town of Nolensville at the November, 2012 referendum election; and

WHEREAS, currently the ordinances of the Town of Nolensville do not permit or regulate retail package liquor sales; and

WHEREAS, the Board of Mayor and Alderman of the Town of Nolensville desire to be in compliance with state statutes regarding such liquor sales.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Nolensville, Tennessee that

SECTION 1. Title 8 of the Nolensville Municipal Code is amended by adding the following Chapter 3.

CHAPTER 3
PACKAGE LIQUOR STORES

SECTION

8-301 Alcoholic beverages subject to regulation.
8-302 Application for certificate.
8-303 Bi-annual renewal.
8-304 Applicants to agree to comply with laws.
8-305 Applicant to appear before Board of Mayor and Aldermen; duty to give information.
8-306 Action on application.
8-307 Residency requirements.
8-308 Applicants for certificate who have criminal record.
8-309 Only one establishment to be operated by retailer.
8-310 Where establishments may be located.
8-311 Retail stores to be on ground floor; entrances.
8-312 Limitation on number of retailers.
8-313 Sales for consumption on premises.
8-314 Radios, amusements devices and seating facilities prohibited in retail establishments.
8-315 Distance from schools, churches, public parks and private residences.
8-316 Inspection fee.
8-317 Monthly Sales Reports.
8-318 Violations.

8-301. Alcoholic beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this town except as provided by Tennessee Code Annotated, Title 57, Chapter 3.

8-302. Application for certificate and Application fee. Before any certificate as required by Tennessee Code Annotated 57-3-208 or a renewal as required by 57-3-213 shall be signed by the Mayor, an application in writing shall be filed with the Town Recorder on a form to be provided by the Town, giving the following information and/or providing the following documentation:

1. Name, age and address of the applicant.
2. Time of residence in the town.
3. Occupation or business and length of time engaged in such occupation or business.
4. Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any town ordinance, and the details of any such conviction.
5. If employed, the name and address of employer.
6. If in business, the kind of business and location thereof.
7. The location of the proposed store for the sale of alcoholic beverages.
8. The name and address of the owner of the store.
9. If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age, and address of the stockholders and their degrees of ownership of stock in the corporation.
10. Any financial information the Board deems pertinent to the applicant, partnership, corporation, and partners or stockholders.
11. The name and address of the owner of the real property of the proposed location and the amount to be paid for rent or purchase together, with a letter from such owner affirming either (i) that the parties have reached a written agreement on the terms of a lease and setting forth the amount of the rent provided for in the agreement, or (ii) that the parties have reached a written agreement on the terms of a sale of the premises to the applicant.
12. Copy of site plan of liquor store.
13. Copy of business plan including amount of money involved or to be invested, source of funds to be used in the business and amount borrowed, and the name of the persons or entities from whom money is borrowed.
14. Copy of partnership agreement, articles of organization and any corporate charter of the applicant.

In no event will the town approve a certificate of compliance if the maximum number of liquor stores pursuant to this ordinance have been issued certificates of compliance by the town, have been properly approved by the Alcohol Beverage Commission of the State of Tennessee, and remain in

business within the town. A nonrefundable application fee of $500.00 shall be submitted with every application for a certificate of compliance.

8-303. Bi-Annual Renewal. Each approved applicant that is licensed by the TABC must seek a new certificate of compliance every two (2) years from the date the certificate of compliance is first issued. The person holding the retail liquor license must submit a new application as required by 8-302 of this Article. A non-refundable $500.00 fee must be submitted with each renewal request.

8-304. Applicant to agree to comply with laws. The applicant for a certificate of compliance shall agree in writing to comply with the state and federal laws and ordinances of the town and rules and regulations of the Alcoholic Beverage Commission of the state for sale of alcoholic beverages.

8-305. Applicant to appear before Board of Mayor and Alderman; Duty to give information. An applicant for a certificate of compliance may be required to appear in person before the Board of Mayor and Alderman for such reasonable examination as may be desired by the Board.

8-306. Action on application. Every application for a certificate of compliance shall be referred to the Chief of Police for investigation and Town Attorney for review, each of whom shall submit his or her findings to the Board of Mayor and Alderman within thirty (30) days of the date each application was filed with the Town.

8-307. Residency requirements. It is not a requirement that the applicant be a bona fide resident of the town. Individual applicants must be a resident of the State of Tennessee as provided in Tennessee Code Annotated 57-3-204.

8-308. Applicants for certificate who have criminal record. No certificate of compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or venting of wine, shall be issued to any person (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder) who, within ten (10) years preceding the application for such certificate of compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, along or with others, in violation of such laws.

8-309. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the town. The word "indirectly" as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise.

8-310. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of

alcoholic beverages, in the town, except at locations zoned for the purpose which must be one of the following zoned districts CR, CS, or the portion of Village zone south of Rocky Fork and Clovercroft Road(s). For the purpose of this Ordinance, the establishment shall also be referred to as liquor store or package store or retail store.

No liquor store within the Town of Nolensville shall be closer than 1 (one) mile from any other liquor store within the Town as measured by the most direct driving route along public roads. Only one application approval will be allowed within the CS or portion of Village zone south of Rocky Fork and Clovercroft Road(s). One additional application approval will be allowed within the CR zone.

8-311. Retail stores to be on ground floor; entrances. No retail store shall be located anywhere on premises in the town except on the ground floor thereof. Each such store shall have only one main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door operating on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as it is open to the public. Liquor stores must be located on a public road.

In addition, all liquor stores shall be a permanent type of construction. No liquor stores shall be located in a manufactured or other moveable or prefabricated type building. All liquor stores shall have night lights surrounding the premises and shall be equipped with a functioning burglar alarm system and security systems on the inside and outside of the premises. The minimum square footage of the interior of the liquor store shall be three thousand (3,000) square feet and maximum shall be five thousand (5,000) square feet. Full, free and unobstructed vision shall be afforded to and from the street and public highway or street to the interior of the liquor store by the way of large windows in the front, and to the extent practicable, to the sides of the building containing the liquor store. All liquor stores shall be subject to the applicable zoning, land use, building and life safety regulations, adopted by the town, unless specifically provided otherwise. Each liquor store must have operating surveillance security system with an alarm system that notifies the town police of break ins. Security tapes and records must be maintained by the liquor store operator for a minimum of fourteen (14) days thereafter.

8-312. Limitation on number of retailers. No more than two (2) retail licenses for the sale of alcoholic beverages shall be issued under this chapter.

8-313. Sales for consumption on premises. No alcoholic beverages shall be sold for consumption, or shall be consumed on the premises of the retail seller.

8-314. Radios, amusement devices and seating facilities prohibited in retail establishments. No radios, television sets, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees.

8-315. Distance from schools, churches, public parks and private residences. No liquor store shall be closer than three hundred (300) feet from a church, school, public park building or private residence. Said distance shall be measured from the nearest point of such structure to the nearest public entrance of the proposed retail liquor store, following the usual and customary path of pedestrian travel along streets and/or sidewalks.

8-316. Inspection fee. The Town of Nolensville hereby imposes an inspection fee in the amount of five percent (5%) of the wholesale price of beverages sold to each liquor store as allowed by Tennessee Code Annotated 57-3-501 on wholesalers selling alcoholic beverages to retailers of alcoholic beverages located within the corporate limits of the town.

8-317. Monthly Sales Reports. Each wholesaler making sales to liquor store retailers within the Town of Nolensville shall provide to the Town a monthly sales report by the 20th day of the month following the month of sale with the applicable inspection fee as is provided in Tennessee Code Annotated 57-3-503. Said report shall be on such form as is required by the Town of Nolensville. Failure to collect or timely file report and/or pay the inspection fee collected shall result in a penalty in the amount of ten percent (10%) of the amount payable by the wholesaler to the Town.

8-318. Violations. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter, it shall be mandatory for the town judge to immediately certify the convictions, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. However, nothing herein shall be construed to prevent the town from exercising any criminal or civil remedies that it may have with respect to violations of this ordinance.

Section 2. Any violation of this Ordinance may be punished according to Section 8-318 of this Ordinance.

BE IT FINALLY ORDERED, by the Town of Nolensville, Williamson County, Tennessee, that this Ordinance shall be effective immediately upon its final passage and publication of its caption in a newspaper of general circulation within the Town of Nolensville, the public welfare requiring it.

Jimmy Alexander
MAYOR

Attest: _____
Town Recorder

Approved by: _____
Town Attorney

Passed 1st Reading: February 7, 2013

Public Hearing: March 7, 2013

Passed 2nd Reading: April 4, 2013