

ROBERTSON COUNTY BEER BOARD COMMITTEE

RULES AND REGULATIONS

Pursuant to Tennessee Code Annotation, Section 57 - 204, there was created a beer board for Robertson County invested with the authority to issue permits for the sale of beer and light alcoholic beverages. This committee has set forth the following rules and regulations, which rules and regulations to be given to each person who applies for a beer permit and said copy of rules and regulations shall be signed for by the applicant.

There shall be two types of permits issued by the Robertson County Beer Board. Type I shall be a permit which shall allow the consumption of light beer and alcoholic beverages upon the premises of the licensee.

Type II shall be a permit which shall allow the sale of beer or light alcoholic beverages that are not to be consumed on the premises but are to go from the premises with the purchaser.

A person may only apply and be granted one of the above types of licenses and not both.

Contents of Application for Permit; Qualifications of Applicant

Before any permit is issued by the beer permit board, the applicant therefore shall file with the beer permit board a sworn petition in writing on forms prescribed by and furnished by the board, and shall establish the following:

1. That the applicant is a citizen of the United States, or if a syndicate or association, that all the members thereof are citizens of the United States.
2. A criminal history background check request must be submitted by the applicant to the Tennessee Bureau of Investigation prior to application for beer permit.
3. The location of the premises at which the business shall be conducted.
4. If the applicant is building a new premise he may apply prior to constructing the premises. He must present to the board the final plans for the premises and the board may vote to issue him a license but that license shall only be valid upon completion of the premises as presented to the board.
5. The owner or owners of such premises, provided that if the premises are to be leased, the lessee must join in application for a permit.
6. That no person will be employed in the storage, sale or manufacture of such beverages except those who are citizens of the United States.

7. That the applicant will not engage in the sale of such beverages except at the place or places for which the beer permit board has issued a permit or permits to such applicant.
8. That no sale of such beverages will be made except in accordance with the permit granted.
9. That if the application is for a permit to sell "not for consumption on the premises," no sale will be made for consumption on the premises and that no consumption will be allowed on the premises.
10. That no sale will be made to minors, and that the applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of liquor laws to loiter around the place of business.
11. That the applicant will not allow gambling or gambling devices on his premises.
12. That the applicant will not allow any liquor with alcoholic content greater than such weight, volume or alcoholic content as is allowed by the laws of the State of Tennessee to be consumed on his premises.
13. That neither the applicant nor any persons employed or to be employed by him in such distribution or sale of such beverage has ever been convicted of any violation of the law against prohibition, sale, manufacture or transportation of intoxication liquor, or of any crime involving moral turpitude within the past ten (10) years.
14. That the applicant will conduct the business in person for himself, or if he is acting as agent, the applicant shall state the person, firm or corporation, syndicate, association or joint stock companies for whom and only for whom the applicant intends to act.
15. No manufacturer, wholesaler or retailer, or any employee thereof, engaged in the physical manufacture, storage, sale or distribution of alcoholic beverages shall be a person under the age of twenty one (21), and it shall be unlawful for any wholesaler or retailer to employ any person under twenty one (21) years of age for the physical storage, sale or distribution of alcoholic beverages, or to permit any such person under said age on its place of business to engage in the manufacture, storage, sale or distribution of alcoholic beverages.
16. All persons employed by any person engaged in the sale of beer or other beverages of alcoholic content must have a certificate of good health, generally known as a health card, which certificate must be signed by the Robertson County Health officer, and which certificate, if temporary in nature, shall be good for more than a twenty one (21) day period from the date of issue.
17. Before any person shall be permitted owner or operator of an establishment engaged in the sale of beer or other light alcoholic beverages within the county, such person must first present a recent photograph of himself or herself to the officer in charge at the Sheriff's Office, said photograph to be one (1) inch by two (2) inches in size and to show clearly the face of the subject person; further, such person seeking employment must, at the Sheriff's Office aforesaid, have his or her fingerprints taken in accord with police procedure, such fingerprint records to be kept with the photograph referred to; further, such person seeking employment must list with the Sheriff's Office his or her full name, present address, permanent address, convictions of felonies and/or misdemeanors in this or any other state; unless the owner or operator of establishments within the meaning of this chapter

personally inform themselves that the requirements in this section have been met, the person seeking employment shall not be hired or permitted to work at said establishment.

18. Any person working in any establishment within the county which sells beer for consumption on the premises must have in his or her possession a county police identification card which may be obtained at the Sheriff's Office, and will be valid for a period of one (1) year from date of issuance. This identification card must be immediately available to the owner and/or manager of the establishment at all times the said employee is working, remaining, or keeping himself or herself at the premises. However, the requirements of this subsection do not apply to those establishments where the sale of beer is only incidental to the main business of the establishment.

Regulations

No such beverages as here in above approved to be sold shall be sold except at places where such sale will not cause congestion of traffic or be a hazard to motorists in Robertson County or interfere with any schools, churches, or other places of public health, safety and morals. Pursuant to a resolution in the Robertson County court, there shall be no storage, sale or manufacture of beer or light alcoholic beverages at places within 2,000 feet of such places as schools, churches. The distance between a school and church and the premises involved must be measured in a direct line and not by road, pursuant to the Tennessee Supreme Court.

Pursuant to a resolution by the Robertson County Quarterly Court, there is also forbidden the sale of beer within 300 feet of a residential dwelling measured from building to building, provided the owner of the residential dwelling appears in person before the county beer board and objects to the issuance of such permit or license. This provision shall apply only to land which is unzoned and shall not apply to locations where beer permits or licenses have been issued prior to the date adoption of such the resolution of the County Court or to an application for a change in licensee or permittee at such locations.

Ground, procedure for suspension, revocation of permits

1. All permits subject to suspension, revocation. All permits issued by the beer permit board under the provisions of this of the State Code or any of the provisions of this chapter.
2. Authority of board. The board created by this chapter is vested with full and complete power to investigate

charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be revoked for the violation of the provisions of this chapter or the provisions of the State Code.

3. Complaints. Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board.
4. Notice to appear; contents, service. When the board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or any of the provisions of the State Beer Act, the board is authorized, in its discretion, to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charges and shall be served upon the permittee either by registered letter or by a member of the Sheriff's Office. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.
5. Hearing. At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the board may in its discretion, suspend or revoke said permit. The board may suspend the license for up to 90 days for a minor violation.
6. Effect of board action. The action of the board in all such hearing shall be final, subject only to review by the court as provided in the State Code. When a permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one (1) year from the date said revocation becomes final.

The permit required by these rules and regulations shall be posted in a conspicuous place on the premises of the permit holder.

Upon a denial for a permit under the above rules and regulations, the county beer board shall not hear another petition on behalf of the person denied or a agent of theirs for a period of six (6) months, unless said denial was only for a reason to allow the person making the application to make or change some defect.

Public Health and Safety

Revocations of the license herein granted shall be revoked and any violations or any provisions of the State Code or these rules and regulations and wherever dissatisfactory appears at the premises of any person, firm or corporation holding a permit or license under this chapter of being maintained and operating in such manners to be detrimental to public health, safety or morals.

Certain activities by permittees prohibited.

It shall be unlawful and it is hereby declared to be a misdemeanor for any person engaged in the business regulated hereunder, to make or to permit to be made, any sales or distribution of such beverages to minors or to person intoxicated; to sell or distribute of such beverages to persons who are feeble minded, insane or otherwise mentally incapacitated; to fail to provide proper sanitary facilities where such beverage is permitted to be consumed on-premises, or to sell or distribute beverages at any place where pool or billiards are played, unless the sale or distribution of such beverage is made in the front of such room or place where a partition wall separates the place from the pool or billiard parlor.

No alcoholic beverages within the scope of the beer and light alcoholic beverages section shall be sold between the hours of **3:00 A.M.** and **6:00 A.M. Monday through Saturday.** No such beverages shall be sold between the hours of **3:00 A.M.** and **10:00 A.M. on Sunday.** No such beverage shall be consumed or opened for consumption, on or about any premises licensed hereunder, in either bottle, glass, or other container after **3:15 A.M.** The burden is upon the licensee or permit holder or his agent to see that the above is complied with.

It shall be unlawful for the management of any place where the beverage license hereunder is sold, to allow any minor to loiter about such place or business, burden of ascertaining the age of the minor customer shall be upon the owner or operator of such place of business.

It shall be unlawful and punishable by revocation for any minor to purchase or attempt to purchase any such beverage; or for any person to purchase any such beverage for a minor.

Minors prohibited from loitering about licensed premises

No person engaging in the sale of alcoholic beverage shall permit any minor to loiter about such place of business, or remain in such place of business for longer than necessary on an errand or business trip, and the burden of ascertaining the age of minors so loitering or entering the place of business for business reasons, shall be upon the owner, and/or operator of such place of business.

Sanitation requirements, standards for licensed premises; inspections

1. Any person holding a permit under this article for sale consumption on the premises, shall keep and maintain the premises in a clean and sanitary condition, the requirements of which shall be the equivalent of that required for a rating of class "B", or better, as established by the Tennessee State Department of Conservation, Division of Hotel and Restaurant Inspections.
2. The county health officer or any properly authorized person is hereby authorized to enter the premises of an on-premises permittee at all reasonable hours for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the county.

Pool Hall

T.C.A. 57-222 provides no permit shall be issued to authorize the

sale of any beverages coming within the provisions of the beer or light alcoholic liquors to be sold or consumed in a room or place used to carry on the business of playing at pool or billiards. Provided further, that it may be sold in front of such room or place if a partition or wall separates the place from the pool or billiard parlor.

Arrest of Owner or Operator

At any time a member of any law enforcement agency in Tennessee arrests an owner or operator of a premises licensed by the Robertson County Beer Board, the arresting officer shall notify the Sheriff's Office of Robertson County who shall take the permit or license as issued and give a receipt to the owner or operator and return the permit or license to the Robertson County Beer Board. The Sheriff's Office shall also cite the individual, owner or operator to appear before the next meeting of the Robertson County Beer Board to show cause why his license should not be revoked.

The receipt given by the Sheriff's Office shall allow the owner or operator to continue his business until the meeting of the beer board that he is cited to. At the hearing of the beer board, the beer board must make a decision to determine whether that person's license shall be revoked or he shall be given his license back to continue operating.

Copy of Rules and Regulations

A copy of each of these rules and regulations shall be given to each applicant and he must certify to the board at its meeting that he has read and understands the rules and will abide by them.

A copy of each of these rules shall be served on all persons holding permit at the time of their adoption.

Change of Rules

The Board by a majority vote can change these rules at any time, but a copy of each change shall be published in a newspaper of general circulation before the change can be binding upon licensee.

STATE OF TENNESSEE

ROBERTSON COUNTY

I certify that I have read and understand the law and rules and regulations set out herein and agree to completely and absolutely abide by them and all of them. I accept the fact that the grant of a license hereunder is a privilege and not a right.

This _____ day of _____, 20____

Applicant

Witness:

Member of Beer Board

Member of Beer Board