

ORDINANCE 14-04

AN ORDINANCE OF THE CITY OF WHITE HOUSE, TENNESSEE AMENDING THE MUNICIPAL CODE TITLE 8, CHAPTER 1 INTOXICATING LIQUORS, SECTIONS 8-102, 8-103, 8-104, 8-106 AND 8-110 AND DELETING SECTIONS 8-107 THROUGH 8-109.

WHEREAS, the Board of Mayor and Aldermen desire to update the Municipal Code regarding intoxicating liquors;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen that the White House Municipal Code Title 8, Chapter 1 INTOXICATING LIQUORS be revised from the Municipal Code as follows:

TITLE VIII: ALCOHOLIC BEVERAGES
CHAPTER 1: INTOXICATING LIQUORS
AMENDING SECTIONS: 8-102, 8-103, 8-104, 8-106 and 8-110

SECTION: 8-102. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption which are regulated by the said code when such sales are conducted within corporate limits of the City of White House, Tennessee. It is the intent of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57 47, chapter 4, inclusive, shall be effective in the City of White House, Tennessee, the same as if said code sections were copied herein verbatim.

SECTION: 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in the Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the amounts levied by Tennessee Code Annotated, title 57 47, chapter 4, section 301, for the City of White House General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of White House on alcoholic beverages for consumption on the premises where sold.

SECTION: 8-104. Annual privilege tax to be paid to the finance director. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of White House shall remit annually to the Finance Director the appropriate tax described in 8-103. Such payments shall be remitted between January 1st and February 1st of each year to the City of White House, Tennessee. ~~not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. All permit holders shall submit quarterly reports, certified by an accountant, on forms provided by the City within twenty (20) days of the end of the calendar quarter to the Finance Director of the City of White House setting out in detail the monthly gross receipts of alcoholic beverages. The City will maintain these reports in the permit holder's individual file to meet the confidentiality requirements of State Law. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law.~~

~~For the exercise of such privilege, the following taxes are levied for city purposes to be paid annually, to wit:~~

- ~~(1) Private Club.....\$300.00~~
- ~~(2) Hotel/Motel.....\$1,000.00~~
- ~~(3) Restaurant, according to seating capacity on licensed premises:~~
 - ~~a. 75-125 seats.....\$600.00~~
 - ~~b. 126-175 seats.....\$750.00~~
 - ~~c. 176-225 seats.....\$800.00~~
 - ~~d. 226-275 seats.....\$900.00~~

e. 276 seats and over.....\$1,000.00
 f. 'Wine Only' Restaurant with 50 or more seats
 \$120.00

The quarterly reports shall comply with the following schedule:

PERIOD	REPORT DUE DATE
January - March	April 20
April - June	July 20
July - September	October 20
October - December	January 20

SECTION: 8-106. Advertisement of alcoholic beverages. (1) All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (2) ~~Sign restrictions.~~ It shall be unlawful for any person authorized to sell beer, for either on the premises consumption or off the premises use, to erect or maintain more than one (1) advertising or display sign upon the outside of the building or in a window. Said sign may use the word "beer" or the name of any brand of beer. Said advertising or display sign shall not exceed four (4") inches in height or eighteen (18") inches in length, and the sign shall be placed parallel with and on the building or in a window.

SECTION: 8-110. Hours of sale. No alcoholic beverage within the scope hereof shall be sold between the hours of three o'clock a.m. (3:00 a.m.) and eight o'clock a.m. (8:00 a.m.) on weekdays, or between the hours of three o'clock (3:00 a.m.) and noon (12:00 p.m.) on Sundays. **On-premises license holders shall follow the hours of sale for liquor by the drink as regulated by the Tennessee Alcoholic Beverage Commission.**

TITLE VIII: ALCOHOLIC BEVERAGES
 CHAPTER 1: INTOXICATING LIQUORS
 DELETING SECTIONS: 8-107, 8-108, and 8-109

SECTION: ~~8-107. Certificate of good moral character required - contents - consent to investigation.~~ Each applicant for a license to sell alcoholic beverages for consumption on the premises of any hotel, restaurant or club must first obtain a certificate of good moral character, on a form provided by the City Administrator and signed by the Mayor of the City of White House. The certificate shall state:

- (1) That the applicant is personally known to the Mayor and the Board of Alderman, and is a person of good moral character; or
- (2) That the applicant is not personally known to the Mayor and the Board of Alderman, but that the City has made careful investigation of the applicant's general character and from such investigation, has determined it to be good;
- (3) Consideration of each application for a certificate shall be undertaken at a regular or specially called meeting of the Board of Mayor and Alderman and approved by a majority of the members thereof;
- (4) Each applicant for a certificate of good moral character is deemed to consent, by virtue of his application, to an investigation of his general character including, but not limited to, the determination of any record of convictions.

SECTION: ~~8-108. Grounds for denial of certificate of good moral character.~~ It shall be grounds for denial of the certificate of good moral character that:

- (1) The applicant has been convicted of a felony or, if a corporation, that the executive officers or those in control have been convicted of a felony; or
- (2) The applicant has been convicted of a crime involving moral turpitude.

SECTION:

~~8-109. Certificate of compliance required—contents. Each applicant for a license to sell alcoholic beverages for consumption on the premises of any hotel, restaurant or club must obtain, in addition to the certificate of good moral character, a certificate of compliance signed by the building official in the Planning and Codes Department of the City of White House. The certificate shall state:~~

- ~~(1) That the proposed use is a permitted use or is existing legally and is allowable in the zone in which it is located; and~~
- ~~(2) That the establishment for which the certificate is sought provides separate sanitary facilities, for men and women, conforming to the building code, located within the area where business is conducted; and~~
- ~~(3) That all seating on the ground level is covered by a permanent roof; except that hotels (as defined in Tennessee Code Annotated, § 57-4-102(e) are exempted from the requirements of this subsection; and~~
- ~~(4) That the establishment for which the certificate is sought has a seating capacity meeting those requirements set out in Tennessee Code Annotated, § 57-4-102; and~~
- ~~(5) That the establishment for which the certificate is sought is separated from the closest church or school by a minimum separation of 275 feet, the distance being determined by the length of a straight line between the closest corner of the church building or school building and the closest corner of the building for which the certificate is sought.~~

This ordinance shall become effective upon its final reading and adoption by the Board of Mayor and Aldermen, and publication, the public welfare requiring it.

First Reading:	February 20, 2014	PASSED
Second Reading:	March 20, 2014	PASSED



Michael Arnold, Mayor

ATTEST:



Kerry Harville, City Recorder